HOUSE OF ASSEMBLY

Thursday 18 November 1999

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

MURRAY RIVER

Mr HILL (Kaurna): I move:

That this House establish a select committee to consider and report on the following matters of importance in relation to the Murray River with particular reference to—

(a) the state of the environment of the Murray River particularly as it affects South Australia and including—

i. environmental and economic flow management; and

ii. riparian and flood plain management;

(b) economic values and sustainability;

(c) river regulation and state and federal controls; and

(d) any other relevant matters.

The reason I have moved this motion to establish a select committee to look in some detail at the situation involving the Murray River concerns a report produced just recently. I commend to the House that report, titled the 'Murray-Darling Basin Ministerial Council Salinity Audit of the Murray-Darling Basin: A 100 year perspective 1999'. The report contains some sobering findings. On page 7 it states:

· The salt mobilisation process across all the major river valleys is on a very large scale. The annual movement of salt in the landscape will double in the next 100 years.

· There is a future hazard for some rivers and those people dependent on them as a source of water. Average river salinities will rise significantly, exceeding the desirable thresholds for domestic and irrigation water supplies in many tributaries and exceeding critical levels in some reaches.

· Sources of salt that impact on the Murray-Darling system are better identified and quantified but our capacity to estimate land areas impacted by future salinity is inadequate and current understanding of environmental impacts is inadequate.

· There is a priority for investment in better estimation of cost impacts and the benefit cost ratios of taking action.

As I say, they are sobering findings. The report also states, on page 37:

Current understanding of environmental impacts is inadequate. While there is some scope for estimating losses to floodplain wetlands and riparian values, on the basis of projected river salinities, the scale and nature of threats to terrestrial environments cannot be gauged. There have been no broad-scale studies. There is no basis for setting priorities or targeting investment.

The report recommends on page 38:

Clearly, broad-scale land use change has to be considered if there is to be salinity control that improves on the projected trends. At the national and state levels, consideration is being given to the multifunctional benefits of forestry and revegetation, the stimulation of innovation and development of new sustainable industries, assistance with rural adjustment in some regions and better application of planning principles.

I should have thought that, just on the basis of those remarks alone, it would be easy to demonstrate that a select committee of this parliament is required to address some of those issues.

I would like to give to the House a little background on the Murray River. As members may or may not know, it was on 16 November 1824 that explorers Hume and Hovell became the first Europeans to see the Murray around Albury. In 1830 the river was named the Murray by Sturt in honour of Sir George Murray, the then secretary of state for the colonies. It became the Victoria and New South Wales border in 1850, and members will be interested to know that paddle-steamers started using the river in 1853 at Mannum. The first inter-colonial conference on river management occurred as far back as 1863, and that conference concluded that 'the commerce, population and wealth of Australia can be increased by rendering navigable and otherwise utilising the great rivers of the interior'.

In the 1870s, the stump-jump plough and use of the mallee roller turned large areas of the mallee into farming land. In 1885, Alfred Deakin led a delegation to America at a time of drought in Australia. It was, I guess, a parliamentary study tour to investigate irrigation methods. In 1886 a Victorian irrigation act was introduced and large scale irrigation began one year later and proceeded at breakneck speed thereafter. In 1902, a royal commission reported on the conservation and distribution of the waters of the Murray. By 1911 salt-affected land had appeared in Victoria for the first time.

In 1915 the commonwealth, New South Wales, Victoria and South Australian governments signed a Murray River waters agreement. Mr G.S. Stewart represented South Australia on the Murray River Commission, which was established two years later in 1917. Its role was to regulate the Murray, share the water and undertake engineering works. In 1968, South Australia declared a moratorium on further irrigation, and in 1982 the Murray River Commission's role was expanded so that water quality, environmental and recreational matters could be considered. In 1985 the Murray-Darling Basin Ministerial Council was established to promote planning and integrated planning of land, water and environmental resources of the Murray-Darling Basin. Three years later, in 1988, the Murray-Darling Commission came into being.

So, members can see the development of procedures, measures and administrative bodies to look after the river. Concerns have been expressed now about the river for some decades—in fact, probably over 100 years. I thank the Murray-Darling Commission for producing an excellent publication, 'Murray River History at a Glance', which I found useful in preparing this potted history.

Both the Deputy Premier and the Minister for Environment stressed in response to dorothy dix questions on 28 October that the government is determined to protect the river—and I commend them for that. Unfortunately, the Minister for Environment in her comments went on to attack the Labor Party and me in particular. She said:

South Australia's position is not helped by the opposition.

I will resist getting into a slanging match with the minister over this matter. I simply say that, with this motion, I extend the hand of cooperation and bipartisanship to the government. The Murray River is too important to our state. It is the lifeblood of South Australia, as the Deputy Premier said on 28 October. It is too important for anything less than the total commitment of all members of this parliament.

I would like to thank the member for Chaffey for working with me on drafting the terms of reference for this select committee and for her enthusiastic support. Given the nature of her electorate, she knows the importance of the river to South Australia. I also thank the Deputy Premier for indicating to me the government's support. I am sure it was given completely willingly and without having to take into account the numbers in this House to get this motion through. I hope that the select committee will do more than just produce another report into the Murray River. There have been plenty of those before. I hope that the select committee can galvanise political and public support to take action, not only here

in South Australia but in the other interested jurisdictions as well.

In particular, I would expect the committee to do five things: first, have a close look in a physical sense at the river and the various activities affecting it; secondly, review all the reports and literature relating to the river and its state of health; thirdly, take evidence from not only the experts but also the users and friends of the river who (as I know from my father-in-law, Mr Ron Wilson, who spent much of his life near the river) know the river very well. In fact, Ron's grandmother was the first European settler to get off the boat at Lyrup when that community was established late last century.

These people understand the river very well and can give very practical advice about what should happen. Fourthly, the committee should look very closely at the regulatory systems, in particular, the Murray-Darling Basin Commission. I do not mean this as I criticism of the commission or its officers, who do a good job, but I express concerns about the lack of powers they have. The fifth point is to develop a clear plan of action that all of us in this place can agree on. As Chris Kenny said in his column in the November edition of the *Adelaide Review*:

> There could be no better way to mark the centenary of Federation, than to devise a sustainable rescue package for the Murray River.

Mr LEWIS (Hammond): I support the motion. What the member for Kaurna seeks to do will enable us to establish the state of the environment of the Murray River as it affects those management decisions that are made about it by bureaucrats and politicians. Whilst I have some difficulty—I say it is awkward to understand the relationship between the notions contained in the preliminary statement and the provisions arising under that statement that need to be examined—I will not quarrel with that, because I think I understand what the member for Kaurna means. The most important things I wish to say about it, however, are that there ought to be a more careful examination of the consequences of the one motion which the member for Kaurna overlooked in the course of his dissertation. In 1971 the former member for Chaffey, Peter Arnold, supported and I think moved a motion to disapprove of any proposal to allow further draining of wetlands to establish agricultural pursuits on the reclaimed areas that would result.

I do not know that that has been a good policy. I believe we should examine that very closely. The factors that need to be taken into consideration include what additional water, if any, does a free water surface wetland lose through evaporation to what would otherwise be lost if we were to pump out those wetlands and allow the vegetation on them to grow. That is the first point. Vegetation would arise behind the natural levy banks that the river itself has created on its lower flood plain. They are the banks on which willows have been planted in great measure by the department established last century for the very purpose of planting those willows. That was the Woods and Forests Department. That was the reason the department came into existence: to plant the willows along the edge of the main channel to mark it so that paddle boat masters and people responsible for the steering of those vessels could see where the main channel was.

The willows were said in later time to hold the banks together. That is piffle. The river itself in flooding sequence establishes those levy banks, the same as rivers anywhere on this planet establish those levy banks, just by the natural flotation of organic matter from the surface of flood water to the edge of the channel, as waters subside. They settle along the edge of the channel and accumulate in height, along with the vegetation which grows in them, every time there is another flood. The end result is an increase in this natural levy bank. If members do not believe that to be so, they can look at a Year 11 geography textbook or look at the South Para and Little Para flood plains, where the river meanders at fairly low gradients across the flood plain to the coast.

Having made that remark, I make the point that to have those wetlands now permanently wet by virtue of the fact that we have constructed the barrage and the locks means the free water surface is always there. The two consequences for the environment are, first, we do not have the rhythm of movement of water when there is a snow melt rising and flooding those areas that were adjacent to the river and drowning the vegetation that is there, providing a stimulus to the fish to breed through the life forms that come into the lower end of the food chain on that vegetation that is so submerged. It is a stimulus to all our native fish species to breed. That is why we do not have native fish breeding in the lower river. Very often it is not flowing, and there is very seldom a flood. It is four years since we had a decent flood there. As a consequence of that flood some cod and a great number of callop came back into the Lower Murray. They are now being caught by anglers and commercial fishers, where it is permitted. That is something the committee needs to look at more closely.

Secondly, when you have that free water surface throughout summer, late summer and autumn when there is no rain, evaporation is occurring. Indeed, the amount of water lost across a free water surface from evaporation each year in the Lower Murray in South Australia is of the order of 1.2 to 1.3 metres, depending on whether it is near Renmark or in the more estuarine environment in the Lower Murray, next to the lakes, because there is a greater measure of humidity there, so it is a bit lower. The humidity arises from the fact that evaporation has already occurred from the ocean itself or from the greater body of water, so there is some vapour pressure against the likelihood of higher evaporation, and the fact that evaporation is occurring in greater quantity in that general area is reducing the atmospheric temperature and therefore the available kinetic energy from heat to excite the water molecules to escape the surface and go into the gaseous state.

So, we need to examine the consequences of having those higher evaporation rates by retaining wetlands, and the effect this is having on the environment and as well the economic use of the river, because when water evaporates it leaves the ruddy salt behind; it does not take the salt that it contains with it. That is accumulating in the Lower Murray, particularly closer to the barrages in the lakes. That means that the water of the lakes is more saline, and that brings me to the next point that this committee needs to look at; that is, ways in which we can reduce the level of salinity in water available to the irrigators in the Lower Murray and around the estuarine lakes. I think we can do that. If we were to put a barrage at Wellington it would enable us to reticulate fresher water from the river itself upstream from Wellington from that barrage around the lake shores to irrigators and other fresh water users, all the way to the Murray Mouth at Goolwa and around the lake shore of the east and south of Lake Alexandrina, the Narrung Peninsula and Lake Albert itself, and thereby put less salt on the land that is irrigated, every time that you put

a megalitre of water on the crop or pasture that you are irrigating.

In doing so it would enable us to immediately meter the diversions, and that would provide the capacity to transfer them under law and provide us with a greater measure of benefit from the irrigation water, since those irrigators who can make the biggest dollar return per megalitre used would be the irrigators who ended up using the water, and 300 gigalitres (that is 300 000 megalitres) of water would generate a lot of money for the state's coffers. In addition to that, it would probably provide much higher quality water to the irrigators of the lakes districts and to the users such as people on Hindmarsh Island and so on.

It is necessary that appropriate compensation is be paid to people who have wharves, marinas and such things in Goolwa and elsewhere. Altogether, those are the kinds of things which I trust this committee will examine under the general terms that are provided by this motion, and that is why I support it. There are other reasons, and I know that other members will address those reasons. I am looking at those things which might be overlooked by other members in the course of their remarks. I do not want my remarks where they are deficient in those matters to be taken as inadequate. They are not. I just avoid the prospect of repetition and have taken the opportunity to put before the House the necessity to examine those matters to which I have drawn attention that have never been properly examined before by a committee of the parliament.

Ms BREUER (Giles): I fully support this motion from the member for Kaurna. Whyalla is located in the driest part of South Australia, which is the driest state in the driest continent in the world. Whyalla is totally dependent on Murray River water. It is a our lifeline. Whyalla has many concerns about water. Last week in Whyalla I attended a public meeting with 125 other people at which SA Water presented its preferred option for the effluent treatment plant upgrade at Whyalla. Despite a previous meeting and submissions from the community, in which it was made quite clear to SA Water that we will not tolerate the continual discharge of 1¼ megalitres of effluent water into Spencer Gulf each week, SA Water has chosen the cheapest option.

SA Water has backed its preferred option with all sorts of scientific gobbledegook about how it will not have harmful effects on either the water of Spencer Gulf or our aquaculture projects. This is not acceptable to our community. The plan is short-sighted and not logical when one considers the state of the Murray River. The amount of 1¼ megalitres is one third of the water that is used each week in Whyalla; and we could use this water for parks and gardens and the greening of our city. The meeting was attended by business people, BHP employees, older and younger residents, community leaders and a cross section of our community.

We were very vocal, and I pay tribute particularly to David Dalziel, a local businessman who, for many years, has been Whyalla council's representative on the Murray-Darling association. He has done a wonderful job in reporting back to our community concerns about the Murray River. As he said at that meeting, it is only when the salinity problems hit Adelaide that anything will be done about it. The residents of Whyalla call on the minister to ensure that the disposal of effluent into Spencer Gulf ceases completely by the year 2000; we reject SA Water's preferred option as presented to the people of Whyalla at a public meeting in the Middleback Theatre on 11 November; and we demand that all sewage produced in Whyalla be treated and desalinated for resale to the city of Whyalla. It is not good enough that this water is pumped out to sea. Many issues such as this could be considered by this inquiry. I fully support the motion.

Mrs MAYWALD (Chaffey): I have much pleasure in supporting the motion of the member for Kaurna. My electorate of Chaffey, of course, is heavily dependent upon the Murray River, as is the State of South Australia. The Murray River is this state's lifeline. My electorate has experienced growth in terms of development of the order of 30 per cent, compounding over the past three years, and that is significant. That development is based on access to good irrigation water. It is very pleasing to see the bipartisan/tripartisan approach to this motion. I commend the member for Kaurna for moving the motion.

It is one thing to move a motion in the House and to try to get the numbers to support it, but to get the support of the whole House is an achievement and a recognition by this place of the importance of this issue, which is the future of the lifeline to South Australia. It is critical that there be the political will for a long-term strategic plan into how we will manage not only the river in South Australia but our approach to the eastern states and the entire Murray-Darling Basin Commission. There needs to be a long-term political will to ensure that South Australia does not end up with a situation where its water no longer sustains economic development along the river and that South Australians, in the future, will be subjected to unsuitable drinking water.

The Murray-Darling Basin Commission has done considerable work, and the report to which the member for Kaurna referred is significant in that, for the first time, it has brought together the urgency of the problem and the need for us to start looking at long-term solutions. It is interesting that reports have been sitting collecting dust in the offices of the Department of Environment, the Department of Primary Industries and in departments throughout South Australia and Australia for any number of years, even though they highlight the salinity problems facing the Murray River.

It is now time to galvanise into action and to have the political will to ensure that the resources are made available to address some of the major issues affecting the river. I commend the government also in its approach to the Murray River as a lifeline to South Australia. In particular, I commend the government for its work in relation to irrigation rehabilitation. The up and coming Loxton irrigation rehabilitation scheme is a significant factor in that. It has meant a considerable commitment from the government, in terms of resources, of the order of $16 million, and I commend the government for that.

We know that 150 tonnes of salt load a day flows into the river at Loxton as a result of the old open channel system, as well as the irrigation practices the growers in the Loxton area maintain because they do not have a medium pressure irrigation system. The Loxton irrigation rehabilitation program will enable them to introduce more efficient methods of irrigation to reduce that salt load considerably. I commend the government for its efforts. The highland irrigation scheme, which was completed last year, is also a significant commitment that this government has shown to the health of the river.

Also, the Qualco Sunlands Drainage District, which is presently on the books and which is working through a number of issues with growers (and it is giving the minister a few grey hairs at the moment), is another significant

commitment to ensure that we have programs in place to minimise the impact of salt loads. I have also been working within the community, the Murray-Darling Basin Commission, in particular with Bob Newman, and SA Water in terms of getting support from the CSIRO to run forums throughout the Riverland to better educate farmers and irrigators of the impacts that we are likely to see over the next few years, what is being done and what still needs to be done.

A lot of misinformation has been disseminated in the community. The Qualco Sunlands Drainage Scheme has highlighted this misinformation in the community, and I believe that that needs to be addressed. The Murray-Darling Basin Commission, together with, I hope, the Murray River Catchment Board and SA Water, will be conducting some forums in the region to better educate farmers and irrigators to try to bridge the feud that is developing between dry land farmers and irrigators in relation to how we manage the problems that the river faces. I believe we can look forward to a very productive committee, a committee that has the commitment of the Labor Party, the Liberal Party, the National Party and, I am sure, the Independents within this House in terms of supporting the committee's recommendations. I believe that the make-up of the committee will be good, that it will have a very balanced view and that it will enable us to go forward with that long-term political strategic plan.

Mr VENNING (Schubert): I support the motion and congratulate the member for Kaurna for moving it. The Murray River is a very valuable part of my electorate, not only its water but the pipelines to which it connects. There are two major pipelines that affect not only the people who live in the electorate of Schubert but also the industries that depend on it. The pipelines—our lifeline—from Swan Reach to the Barossa and also the new pipeline from Mannum to the Warren Reservoir will be managed under the new scheme, Barossa Infrastructure Limited (BIL), which is now putting in place a $40 million structure for which the growers will pay the government to deliver unfiltered water to the vineyard. Of course, filtered water will come from the Swan Reach filtration plant.

The work of this select committee will add further to that which has just been done by the ERD Committee to highlight many of the problems, particularly in terms of the management of the Murray River fishery. As we all know, this is a most important asset to our state. It is environmentally sensitive, particularly with the irrigation practices that are undergoing close scrutiny today not only interstate but also within South Australia.

The environmental sustainability of this river is of paramount importance to all South Australians. We have heard the public debate about the flow management of this river. Our minister has been on the radio and in the media several times, as has the previous minister, discussing the flow management of the river, the ability to flush the system and the water capping problems, that is, the irrigation use, that we are encountering with other states. It is causing a major problem.

I hope that the select committee will help the other states to get the message that we are trying continually to get them to realise what could happen if they divert 36 per cent of the flows back into the Snowy River, because this would compound the problem even further. It is a very pertinent and relevant time to be setting up a select committee to consider what would happen if 36 per cent of the water was diverted back into the Snowy River. Certainly, it is a very important and serious issue. This government, and I as a member of it, will support anything that further enhances the health of the river.

The fish passages around the locks were highlighted in the ERD report. I hope that the select committee will address that issue and take it further, because it is all part of the management of the river. Ever since we Europeans have been in Australia we have done things to this river which at the time we thought were good. But, as it turns out, problems are occurring because of what we have done over the last 100 years. This fish issue is just but one. The tepidity of the river is a great concern to the people in relation to what the carp, that is, the feral fish, have done to the management of the river.

I acknowledge the work of many people who have been out in these areas for many years, in particular, people like Leon Broster, who is General Manager of the Murray Darling Association, and an old friend of mine, one Jack Seekamp, who is affectionately referred to as 'Salty Jack', because he has campaigned very strongly for the removal of the willow trees from the river environment.

Among riverside dwellers there is a very emotional debate about these beautiful trees being cut down because of the polluting effect that they have on the river. They drop their leaves into the river, the leaves decompose and, of course, there is then a problem with the toxins that are left in the water. Jack and others have been cutting down these trees, and that has been emotive in itself. Jack Seekamp and others like him have devoted their lives to the Murray. Peter Arnold was mentioned earlier, and with the Arnold and Chaffey families there is so much history. I certainly acknowledge what they have done.

The long-term strategic plan needs to be put in place and it needs to cross state borders. This is the difficulty: people in the upper reaches of the river do not consider what happens at the lower end. Hopefully, this select committee will highlight that. As I said, much has been done and said before. Some will say that we are just repeating what has been done before, but I do not believe that we can ever overemphasise or overexamine this very important issue.

Salinity is a very serious concern—and we all know that, generally, it is rising—not only for those who live on the river but also for those at the end of the pipelines. Rising salt levels are a great concern. I believe that the select committee will gather together the information we have and again emphasise this very important issue. We all need to remember that the health of the Murray River is indeed the health of South Australia. I support the motion.

The Hon. D.C. WOTTON (Heysen): I rise to speak very briefly in support of this motion, which I commend the member for Kaurna for moving. As has been said by other members, there can be no more important subject for this House to consider. I have used this forum on many occasions to express my concern about the Murray in an attempt to seek support for the important work which has been done and which still needs to be carried out on the Murray. I highlight one point to the committee; that is, that I hope that the committee does not attempt to re-invent the wheel. There is an enormous amount of information and an enormous number of reports available; they have been prepared by organisations such as the Murray-Darling Commission, the Murray-Darling Ministerial Council, the Murray-Darling Association and many other organisations. Many departmental reports have

been provided. I hope that the committee takes into account a number of those reports and the very worthwhile information contained in them.

There are matters such as salinity, to which I referred in this House yesterday, carp (and there is to be a briefing on that for all members later today in the parliament) and the flow issue to which the member for Schubert has just referred. A number of significant issues need to be addressed, and it is appropriate that this committee be given the responsibility to do just that. I certainly support the motion. I support the points that have been made already by other members. I pick up the point made by the member for Schubert relating to the importance of the cap. It is vitally important that this state continues to recognise the importance of that cap and to promote that importance to interstate members of the ministerial council. I very strongly support this motion and again commend the member for Kaurna for moving it.

Mr WILLIAMS (MacKillop): I rise to support the motion and, like other members, congratulate the member for Kaurna for introducing this measure into the House. I encourage the formation of this committee in terms of its looking into a whole range of issues and matters. I do not wish to waste the time of the House time repeating most of the issues that have been raised by other members, but I point out that my electorate relies heavily on the Murray River, as do a lot of electorates, not the least of which are those inside the city of Adelaide. Of course, the Murray River provides a substantial amount of the water that is used in the city of Adelaide and the greater metropolitan area for domestic use and indeed industrial uses around the city.

A great number of the rural electorates also rely on the Murray River for water. A pipeline that runs from Tailem Bend to Keith supplies both domestic and stock water to a great number of my electors. I also point out that, although the South-East is noted as being one of the wetter regions of the state, it does rely on water coming in externally. Indeed, irrigators in the Padthaway basin, who are currently suffering from salinisation of the groundwater aquifer from which they have been irrigating for some 30 odd years, or even longer in some cases, are even contemplating whether they can build an addition to the pipeline which runs to Keith, some 30 or 40 kilometres north of Padthaway, to supplement the aquifer and try to shandy up or reduce the salinity of the water in that aquifer so that they can pump it out.

Their idea is to do that during the winter when there are adequate flows or adequate capacity in the pipeline to allow them to have better quality of water for irrigation purposes in summer, a scheme not dissimilar to the scheme happening in the Barossa Valley area that the member for Schubert talked about. There are moves to do likewise on the Fleurieu Peninsula. In both instances the water would be supplied by SA Water and stored in surface dams rather than in an aquifer, but the principle is the same. The river is not only important to those people who live along or adjacent to the river but it is important to all South Australians. There are few parts of South Australia that do not rely on the river, and the future of most South Australians is reliant on the longevity of this resource.

Another issue I will raise, and hope the committee will not overlook, is the other areas of the river. There are the upper reaches of the river in this state, that part in the Riverland and the area adjacent to the Adelaide Hills or the city of Adelaide on the other side of the Hills. There are other very important parts of the river. The northern part of my electorate against the Coorong and the Coorong Lakes system—Lakes Albert and Alexandrina and the Coorong itself—are affected greatly. On the other side of the barrage is the Coorong itself, which is affected greatly by the amount of water let through those barrages and there is another important fishing industry in that part of the river system—the river lakes, Lakes Albert and Alexandrina—and the estuarine fishery of the Coorong itself.

I hope the committee will look at some of the issues involved. There has been quite a bit of discussion over time with little action on the way the barrages should be operated. Much of the local community in the Meningie area, including the fisherman and those on the western side of Lake Alexandrina, are very concerned about the way the barrages are operated at the moment and mitigate against the best possible scenario for egress of various fish and the interruption caused to their breeding cycle. I hope the committee will look at some of those issues as well as the issues that have attained greater profile in recent times. Those issues are mainly to do with the cap and the amount of water that flows into South Australia, the salinisation issue the member for Chaffey alluded to in her contribution, and the river levels in general, which have a large effect on not only the quality of water in the river but also on the amenity of the river.

I say this as one who for many years has enjoyed the amenity of the river as a recreational facility. With my family I camp on the banks of the Murray River at Loxton during summer school vacations and have done so for many years. I have enjoyed that aspect of the river and there are many issues the committee should look into because there are increasing pressures on the river from recreational users as well as on those who wish to use the river for both irrigation and domestic water supplies. Having said that, I commend this motion to the House.

Mr HAMILTON-SMITH (Waite): I support the motion and commend the member for putting it to the House. On becoming a member of Parliament I looked, as one of my first actions, into this issue of the Murray River and the vexed problem of water in South Australia. I believe it is one of the greatest challenges facing this state as we move into the next millennium. We cannot rely on the Murray River indefinitely for most of our water needs as we move into the twenty-first century and beyond into the twenty-second century. We most certainly need to commission this select committee. We most certainly need to look into making the most possible of the Murray River. I say that as a person who lived in Israel and Egypt for some time and saw the way the Israelis manage their water. It is admirable, given that a number of nations are living off the River Jordan—a far more pitiful water course than the Murray River—and managing to squeeze every last drop out of that water source in a way that enables millions of people to make a living and for the optimum amount of water to be recycled and used by people in their day-to-day business. There is an example of how we can better manage our water—not only our Murray River water but all water available to us in this state.

Having said that the Murray River cannot possibly sustain all of South Australia's needs for the next several centuries, we need to be thinking now with a little bit of nation building creativity as to where we might look beyond the Murray for our water needs. There have been some fairly fanciful suggestions in years past and a lot of work done by a lot of people to try to optimise our water resources. Some of those

ideas include optimising the way we recycle water and stormwater and the way we manage the existing water available to us, much of which spills into St Vincent Gulf. Other ideas have involved better distribution of water we hold in dams around Adelaide so that more effective use is made of it and not so much wasted on evaporation. There have been some even more fanciful ideas like towing icebergs up from the Antarctica and looking at moving water in from other states to this state. It is on that proposal that I want to focus.

The United States has managed to make fertile the southern part of California by a very creative process of redistributing water from north to south through a complex array of reservoirs and dams. Clearly the state of California is a much larger state than is South Australia in terms of both its population and its economic output. The economies of scale are there to mount such massive infrastructure developments, but it is my view that sooner or later this country will need to look at redistributing its water resources from the north to the south.

There is ample water in this country. I recall having flown over the Argyle Dam: the flight took 25 minutes. It is enormous with seven times the capacity of Sydney Harbor. All but 3 per cent of the water is simply wasted. Only 3 per cent of it is used and only 7 per cent or so of the arable land downstream of the Argyle Weir on the Ord River is used for agriculture. A number of river systems in the north could be dammed to create enough water reservoir to meet more than the full needs of Western Australia, South Australia and the eastern States.

Mr Hanna interjecting:

Mr HAMILTON-SMITH: The problem is how we economically move that water from north to south. As my colleague just interjected, why do we not built a pipeline alongside the Adelaide to Darwin railway? The Premier has indicated that that is one of a range of issues that has been given some attention. Whether or not the costs will rule it out (I imagine they will) is yet to be seen. Sooner or later we simply will have to do it. Sooner or later we will run out of water. It may not be in our lifetime or even in the lifetime of our children, but this country will not be able to sustain itself on the Murray River alone and this state in particular will not be able to manage on the Murray River alone for an indefinite period. We need to find a better way.

We certainly need to ensure that we optimise the use of any water that presently runs off in the metropolitan area (or elsewhere) so that it is recycled. I agree with the member for Kaurna that the Murray River has been seriously derided. It is a matter of considerable concern to me that I understand more water evaporates from irrigation pens in the river in other states of Australia than in our entire irrigation allocation.

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

Mr HAMILTON-SMITH: It is simply unforgivable that our sister states can rape and pillage the Murray River at the expense of ordinary South Australians whose livelihood depends on water flows into our state.

In summary, I commend the motion. I think that it will lead to some constructive outcomes in respect of protection of the Murray River and better use of the scant resource that it provides to the state. However, I would like to see this House go further and look in a visionary and nation building way well beyond tomorrow or next week—in fact, well into the next century. I would like this House to ask the question: how will this state grow and prosper and have its water needs met beyond the confines of the Murray River? Surely, that is the matter we will have to examine if we are to sustain the future growth and prosperity for which we all hope.

Mr SCALZI (Hartley): I will not speak at length, but I congratulate the member for Kaurna for bringing this important issue to the House. This is not just a Riverland concern, a country or rural concern: it is a city concern, a state concern, and indeed a national concern. I agree with the member for Heysen that many committees have looked into the problems of the Murray River and that that information should be looked at because all knowledge on this issue is important. It is also important that the focus remain on the fact that Australia, and South Australia in particular, depend so much on the Murray River.

The great Greek historian Herodotus said that Egypt was the gift of the Nile, and indeed that was the case, because the civilisation of Egypt would not have come to fruition if it was not for the lifeline of the Nile. I believe that in many ways the Murray River is the gift of South Australia, and indeed Australia. We must not try to reinvent the wheel with the setting up of this select committee inquiry, but we cannot ignore the fact that we are considering Australia's greatest physical asset; if we lose that focus, we will be forever sorry. We will look back and see opportunities lost through ignoring the importance of Australia's greatest, yet also most vulnerable, asset. We must forever, as I said, focus on this issue, and no committee or investigation is too much trouble or effort when it comes to considering the sustainability of the Murray River. I commend the member for Kaurna for putting this motion to the House and for keeping alive this most important issue for South Australia and indeed Australia.

Mr MEIER (Goyder): I wish to speak in favour of this motion. Yorke Peninsula relies, to a large extent, on water from the Murray River, and the provision of water is becoming an increasing problem to us. In fact, if I had my way, we would have a second pipeline for the whole of Yorke Peninsula. At this stage, as many people may know, the bottom towns of Warooka, Point Turton and beyond do not have mains water. In fact, thanks to an underground basin, Warooka and Point Turton do receive water. Further along, at Corny Point, they do not have reticulated water. This is something on which I have been working for some time in an effort to at least get some money to try to test the viability of the underground basin in that area. Likewise, Stenhouse Bay and Marion Bay do not have reticulated water. Water is a huge problem on Yorke Peninsula and we rely very much on the Murray River. Certainly we are supplemented by several other reservoirs as well.

I recall flying over the Murray River in 1981 in a light aircraft travelling from Adelaide to Albury and the most practical route was to follow the river. It was a great worry to see how the water was literally being soaked out of that river. It was as if a huge sponge had been placed in the river and it was just trickling off into the surrounding land. Of course, what I saw was the irrigation that is occurring along the New South Wales and Victorian border. There is no doubt that that is the key to our problems: so much water is taken out of the Murray that the water flowing into South Australia is limited in quantity—and the quantity of salt has also increased significantly. It is a huge worry.

I must pay tribute to the commonwealth government, which, after the sale of the first part of Telstra, I believe put hundreds of millions of dollars into helping rehabilitate the

Murray River. Obviously, the effects of that will be seen in the coming years. Recent articles in the *Advertiser* highlighted how our river could become a useless water supply in the not too distant future—and that is a further worry. In fact, it is absolutely essential that the commonwealth and the states work hand in hand. I think, if the commonwealth had its way, it would be able to set about rectifying the problem, or rather, addressing the problem more realistically than is currently occurring with each of the states wanting their own particular water rights.

It was outrageous at the last state election that the National Party openly advocated that more water licences should be given to some of its users in the upper parts of the Murray. To use that sort of promise simply to gain some votes is totally reprehensible, and I could not believe that such a thing was occurring in 1999. Those types of attitude have to be put to one side for all time if we in South Australia wish to continue to exist by relying on the current water supply we have. I trust that the select committee will be able to come up with some constructive and positive recommendations.

It is rather ironic that the government has spent probably hundreds of millions of dollars, certainly many tens of millions of dollars, on filtering the water from the Murray and from other sources. We on Yorke Peninsula have some of the best water now, in theory, anyway, because it is filtered. The trouble is that most of that water is used by livestock, not by human beings. The amount of drinking water is a very small percentage of the water used, but we have spent tens of millions of dollars to achieve that quality of water. I will not knock it back, but possibly we could have spent that money in other ways too.

The irony for Yorke Peninsula is that that filtered water is pumped into a holding dam at Paskeville and then it is repumped to the rest of Yorke Peninsula. However, that holding dam happens to be an earthen dam: it is all filtered, then pumped into an earthen dam where it mixes with mud and so on and then it is repumped. So all that money for filtration is a bit of a waste for us.

I am seeking to have that matter addressed but, because there are so many other priorities for my area such as roads, electricity, particularly three-phase power, and other services, it may be some time down the track before we get a sealed dam so that the water does not go back to its near natural state, having spent all that money filtering it. With those few words, I trust that the select committee will be agreed to by this House and that it will come up with proper recommendations.

Mr HILL (Kaurna): I thank all members for contributing and agreeing to this proposition. If their actions match their words, we will have truly a splendid committee which will make a fantastic report and will change the face of the South Australian environment and the economy. I apologise to all those other members in the House who expressed interest on being on the committee, both from my side and from the other side, but not everyone can be on it. I commend the motion to the House.

Motion carried.

The House appointed a select committee consisting of Ms Ciccarello, Messrs Hanna and Hill, the Hon. D.C. Kotz, Mr Lewis, Mrs Maywald, and the Hon. D.C. Wotton; the committee to have power to send for persons, papers, records and to adjourn from place to place; the committee to report on 30 March 2000.

ECOTOURISM

Ms KEY (Hanson): I move:

That this House requests the Environment, Resources and Development Committee to investigate and report on ecotourism in South Australia having regard to—

(a) the appropriate scale, form and location of ecotourism developments;
(b) the environmental impacts of such developments;
(c) the benefits to regional communities and the state of such tourism;
(d) the strategies for promoting ecotourism; and
(e) any other relevant matter.

I want to make a only brief contribution this morning because the terms of reference are self-explanatory. This reference has come up as a unanimous resolution from the Environment, Resources and Development Committee, and I look forward to support from members in the chamber for the committee to take on this reference. I also ask all members to think seriously about the ecotourism possibilities in their own electorate, but only on the basis that the information can be used by the committee and that Minister Joan Hall does not use the material to take up time in question time! That would be my only proviso in inviting each and every one of us in this House to think very seriously about possibilities for ecotourism and the existing ecotourism features of our electorates. I can think of a number in the electorate of Hanson that I would like to recommend to the Environment, Resources and Development Committee.

Mr MEIER (Goyder): In the absence of the member for Schubert, who is the Presiding Member of the Environment, Resources and Development Committee, I support this motion. It is my understanding, as the member for Hanson said, that the committee unanimously agreed to this proposal.

Members interjecting:

The SPEAKER: Order! Members will resume their seats and refrain from conversation.

Mr MEIER: In that respect, I know that the member for Schubert was quite keen that this motion should proceed. The areas to be considered by the committee are interesting, namely, the form and location of ecotourism developments, the environmental impacts of such developments, the benefits to regional communities and the state of such tourism, the strategies for promoting ecotourism and any other relevant matter.

Yorke Peninsula has a significant number of ecotourism projects on the go already. Innes National Park is one of the best ecotourism areas in the state, and I do not say that simply to promote that park but because Innes National Park is the most visited national park outside the metropolitan area. We are working to increase the number of visitors to it. I recently went through the new visitor information centre that is currently being built there. It will be a very impressive building which will assist tourists who visit that park.

More importantly, a lot of the work that has been carried out in the area, such as the new bitumen road from Stenhouse Bay basically to Pondalowie, means that tourists can visit without worrying about their car filling with dust, which was the case, and likewise without worrying about their car literally vibrating apart on the roads at certain times of the year. That work has been complemented by some of the walkways that have been constructed and, although the walkway at Pondalowie has been in place for a couple of years, a new one has been constructed at Chinaman Hat

Beach, which I went down the other day, and that will help preserve the environment in that area.

Another aspect of ecotourism can be seen at Marion Bay, where the new buildings fit into the general environment, and there is a real sense of pride in the town. There is a need for an enormous increase in visitor accommodation, and the people are constructing that accommodation in such a way that it fits in with the general environment.

It is not only in Innes National Park that ecotourism occurs. We have magnificent beaches and coastline where significant developments are occurring and, along various parts of the coast, ecotourism will have to increase. I hope that the ERD Committee will visit Yorke Peninsula, because I think that the members will see some positive examples of ecotourism there. I hope that this motion does not seek to restrict tourism development in any way, because most members would be aware that it is hard enough for developers to get approvals through as it is. I get very frustrated with some of the regulations and requirements that have to be met to get any major tourism development approved.

It is all very well to promulgate regulations, a lot of which are written by people who live in the city. The city has been developed in the last 100 years, it is there and we cannot take it away. Some areas have been built on that should never have been built on, and a good example is the city of Elizabeth, which was built on some of the best farming land in the state, and it has gone. If a proposal came forward today to develop that area, it would not be approved and it would be left as open space. Thankfully, in the Virginia area we have acknowledged that and there have been building restrictions in that area for quite some time. The benefits of that have been seen with the recently opened pipeline from Bolivar to help those market gardeners, and that is probably the best land in South Australia on which to grow vegetables. It will only assist South Australia as a whole.

The committee must keep economic values and sustainability to the fore, and it must not try to restrict development in certain areas, particularly regional areas, that desperately need development. With those few words, I support the motion.

Mr VENNING (Schubert): I thank the member for Goyder for speaking while I was absent from the chamber. I have just been speaking with the ABC on the oil shale report that was presented yesterday. I am very happy to support the honourable member's motion, because, as members know, she is a member of our committee. The committee decided unanimously that it would take on this reference because it has been mentioned in this place over many years, and I think the member for Hammond was the first one to mention a similar reference.

It is very important that the ERD Committee investigates the ecotourism aspects of our industries because so much is happening which may not sustainable in the long term. Our ecotourism assets in this state are substantial. We need to assess them properly to the appropriate depth. They are many and varied, and they include the Flinders Ranges, Murray River and our walking trails particularly in relation to state planning. The matter of what to do with the legality of walking trails was discussed yesterday, particularly in relation to state planning. Of course, planning also comes under the jurisdiction of the ERD, as well.

It is a very opportune time to discuss this issue. Most members of this House have visited ecotourism attractions all over Australia and, indeed, all over the world. Only a few weeks ago, I was in upper Western Australia. We went to the Bungle Bungle Ranges to see what they have done to protect the valuable environment and the asset we all go there to see. That attraction is certainly magnificent, and we can learn much from what has been done there. This would be an important reference to the ERD; in fact, so much so it ought to be an ongoing reference, because things change, new things are found and new things are learnt. I am pleased that this motion has come before the House this morning, because we have thought long and hard about this. All sorts of accusations have been made about MPs going on junkets to all the tourism areas of our state and, indeed, country. I hope that most members will treat this matter very seriously, indeed, because the proper promotion goes with the proper protection of our very important and often very delicate ecotourism assets.

I have come a long way after being nine years in parliament. I could not have been called anything like a greenie or an environmentalist before I came here. However, my work on the ERD and associating with the members like the member for Hanson, who moved this motion, has opened my eyes to what is in Australia. We in this country live with things we do not appreciate. People who come here from overseas say, 'You just don't appreciate what you have.' Yesterday, we had a group of Vietnamese people here. They just marvelled at the clear skies, the space, the clean air and the silence. These people thought it absolutely marvellous that they could stand in the dark and look at the stars in the South Australian skies. However, we take it for granted.

This is all part of ecotourism. People come here to see these valuable assets that we take for granted. We have damaged many of these assets, and some we have even destroyed. It is high time we took stock of what is happening. Now is the time for us to assess these valuable ecotourism assets, then to plan it so that people—including ourselves—can travel all over the place to look at them without damaging them; indeed, we could even enhance them. I thank the member for Hanson for moving this motion and for her input into the committee. I also appreciate the apolitical approach taken on this committee to issues such as this. This is why I enjoy serving on the ERD committee. In fact, as I said before, it is an honour to be its Chairman. I certainly support this motion.

The Hon. G.A. INGERSON (Bragg): I rise to congratulate the member for Hanson on moving this motion. As a previous Minister for Tourism, I had the opportunity to be part of the very first document that was put out on ecotourism. It was a very basic document. It was the first attempt to look at what we ought to be doing in terms of ecotourism. If we look back on it now, some five or six years later, we will see that it really was very basic. It was the first attempt to recognise that ecotourism was very important and that some standards needed to be set. In looking at this, I make one plea to committee members—that they look at it from two points of view: first, whatever we do must be environmentally and ecologically sensitive and, secondly, we can do a lot of things in delicate areas if we make the effort to do them properly.

The best example of that is Tasmania. There are some absolutely fantastic examples of ecotourism on ridges overlooking the sea in areas of high density forest growth which 15 years ago we would never have believed were possible. I encourage the committee to look at all these issues from the point of view not only that we have to do it better

but also of how we can actually do it and make sure we do it properly. That is the biggest challenge for us all into the future. It must not be seen as a negative report. Its real intent is to recognise we have ecological and environmental issues in ecotourism that have to be taken into consideration but, at the end of the day, make it so that people can make those developments in a very positive way.

In this state—on Kangaroo Island, in our national parks and, of course, on the Murray River and its regions—three absolutely fantastic opportunities to develop products that can be sold on an international basis. I encourage and applaud the committee. I look forward to the report and to being able to make a submission if I have the opportunity to do so.

Mr LEWIS (Hammond): Naturally, I will be supporting the motion. After all, I had a motion virtually identical to this. I do not know where we should arrange ecotourism in South Australia unless it is predominantly in the area of national parks. What we seek to investigate by supporting and passing this motion is pretty much the same as I was suggesting in a proposition which I brought to this chamber nearly two years ago and which did not get up. I know this proposal has not been debated in the Liberal Party room but I am, nonetheless, pleased to hear that it was the subject of not just bipartisan support but support across the board from all those members who have made some remarks about the matter so far. At the time that I first raised the proposition, there was great controversy, and I was told it was premature, that there were reasons why it would cause great consternation amongst the general public to even contemplate making it possible for tourists to go into sensitive areas where the environment was said to be inviolate.

I had earlier put a proposition to the parliament to try to get the parks categorised in preparation for a motion of this kind, such that we could nominate which parks were suitable for informal access and which parks were suitable for even structured access and activity such as occurs at Belair now, and which parts of parks would then be set aside as wilderness areas in which people were simply forbidden from going so that all other species, barring homo sapiens, were left to continue in their natural state in those localities. They would be complete wilderness areas such that, if anyone wanted to get access to them to find out what was there, they would have to go through a process that might take them five years to arrive at approval for the purpose of going there and examining whatever it was that they were given authority to examine by institutions like the university, as well as the parliament, the minister, the department, and so on. And that did not get up.

People found it all too hard to think in terms of how we ought to designate parks, or parts of parks, for different levels of impact and activity. Then I thought that I would go on, anyway, and put a proposition which at least enables us to contemplate the means by which we gain access to various areas in the diverse ecosystems of South Australia for people who are willing to pay for the experience to go there. It is called ecotourism—visiting places where one can look at the natural environment and study it in one form or another. As I said, that did not get up. I had all sorts of difficulties with my own colleagues on the matter, as well as difficulties with members opposite.

At least, I suppose, the remarks I made on those matters at that time have resulted in some shift in opinion—and that is what it is: opinion. It is not soundly based, scientifically valid opinion: it is just opinion. And politics, I suppose, is all about opinions. I wish more of them were based on fact—although wishing and hoping is not a method of doing anything; one just has to keep knocking away at it.

The Hon. G.A. Ingerson: I think a few of us would agree with that.

Mr LEWIS: Yes, as the honourable member, quite properly, points out.

The Hon. G.A. Ingerson interjecting:

Mr LEWIS: Yes, more facts are what is needed. I had gone to great pains to collect those facts, in places such as Yellowstone National Park, Greenland, the Middle East and interstate. I drew attention to the example of where ecotourism was established over 100 years ago in the Jenolan Caves in New South Wales, as well as in the Goulburn Caves, and the fact that I had visited those areas and made them the subject of a detailed report. I do not know that anyone bothered much to look at it; it was probably for my own personal edification and not much else.

I mention it again now to encourage the Environment, Resources and Development Committee to seek resources from the parliament to go and look at the way in which that is done in the Jenolan Caves, in the Freycinet National Park and the Cradle Mountain National Park in Tasmania and in the south-west of Western Australia, and Kakadu, to learn from the process. I would not see that as a junket at all. If it costs us a couple of hundred thousand dollars, it is money well spent. The amount of money that we have spent on incompetent consultants on the ETSA sale and lease process has been a gross waste in comparison with what we could have achieved if the same money had been put into something like this. Most of the advice I have seen which has come from some of those people whom the government has hired as consultants I would not even use on second-hand—I will leave it at that and members can use their imagination. We used to tear up the newspaper and put it on a nail behind the door: it would have more use than some of their opinions.

This matter, though, is serious. I urge all members of the Environment, Resources and Development Committee (because it is clear that this motion will pass) not to adopt the narrow window mind-set of the corporate box mentality. It is not just about Kangaroo Island or the Murray River or the other places where you can sit in airconditioned comfort and see seals or outstanding landscapes in the morning, the evening, or whenever: it is also about those thousands upon tens of thousands of young people who have taken their education to post secondary level—in America they call it college; in Australia and Europe they call it university, undergraduate level—who want to go and see different ecosystems because of their empathy with and desire to understand them. Those tens of thousands of people who come here from Germany, North America and Japan would be delighted if they could gain access to the parks in the Mallee to see the flora and fauna there as part of their experience of looking at Australia. The eco-backpackers, by their tens of thousands, are interested not only in the kind of majestic scenery of the Blue Mountains or Yellowstone National Park but they are interested also in the detail of the life forms—micro-organisms, ants, plants, and so on—that can be seen only in the early morning or the late evening, and the movement of birds and the like.

I urge the committee to go out with a wider vision than that of those with the corporate box mentality who sit down at a glitzy polished wood table and gaze out through glazed protection from the elements while sipping a glass of chardonnay and look at the seals frolicking in the surf, or

those who sail along the river and watch the cliffs pass by. It is more than that. I ask people to take the blinkers off, widen the horizons and make sure that they do not overlook the opportunities unique to South Australia, because nowhere in the world can some of these things be seen but in South Australia. And they are not all in places where one would say that the landscape was awe-inspiring: they are in places, nonetheless, where there is a great deal of fascination for photographers and other people interested in such things.

With that in mind, I urge the committee also to examine the ways in which the presence of humans has been minimised in places such as the Tasmanian locations and compare that to the mess that has been caused in some other locations in southern Queensland and, for example, in the Jenolan Caves area, which they are now trying to fix up. I commend the member for the proposition.

Ms KEY (Hanson): I thank members for their contributions. I again invite all members of this House to submit to the Environment, Resources and Development Committee their views and ideas. Again, I emphasise the fact that it is important, I believe, for each of our electorates to be looked at as potential ecotourism sites in terms of not only existing features we know about in our own electorates but also possibilities that may exist, so that we move ahead in South Australia. The unanimous decision of the Environment, Resources and Development Committee to look at this reference was also supported by the desire to try to do it as economically and appropriately as possible for the state. Notwithstanding the comments of the member for Hammond, the committee will be looking at a schedule to try to achieve that end.

Motion carried.

McLAREN VALE BUSHING FESTIVAL

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): I move:

That this House congratulates the McLaren Vale Festival Association Inc. on another successful McLaren Vale Bushing Festival.

It is with pleasure that I move this motion. Another outstanding McLaren Vale Bushing Festival was held in the past few weeks. Before congratulating the committee, as well as Rotary, which was involved with the committee in developing this year's bushing festival, I place on the public record my sincere appreciation for the enormous amount of work done by the McLaren Vale winemakers over more than two decades in terms of the bushing festival.

The McLaren Vale Bushing Festival (from memory I have attended nearly all of them in that time) has really helped, together with a number of other wine and tourism events in our region, to cement the McLaren Vale district and, indeed, the whole of the Willunga Basin as a very special icon in terms of tourism and economic activity. In fact, it is a nice place to live within South Australia.

We have all observed the enormous growth in the wine industry, particularly in the McLaren Vale wine region. We are now seeing the McLaren Vale wine region being recognised internationally, particularly for its reds, which are winning the highest possible medals in the world. The success of the region is as a result of the vision of people such as Greg Trott, D'arry Osborne, Alex Johnston and the Oliver family; and I could list many other families who have supported the community in terms of our region's development for over 100 years.

Fortunately, not only have those traditional families stayed in the McLaren Vale region and further developed social and economic opportunities for our community but younger families have come to the region. Young winemakers with innovative technology and ideas have been able to work with the traditional families in our region to achieve what is now a burgeoning industry. The electorate of Mawson, and indeed the whole of the southern region, must capitalise on these rapidly growing icons. Of course, one problem in the past has been a lack of water. More work must be done in that area but, with the range of initiatives that are currently being put in place, not the least of which are the recycled water projects (a policy of our government in 1993), these opportunities are being capitalised.

In these remarks I want to reinforce strongly my support for all the families who have been involved in our region for many years and, in particular, the McLaren Vale winemakers who have led the development of the bushing festival to a point where it is now acknowledged by the South Australian Tourism Commission as an important and significant festival. As the wine industry progresses so we see a diversity of tourism opportunities for bed and breakfast facilities and the cottage, craft and art industries, as well as a range of fine wine and fine food outlets.

The winemakers are no longer in a position of having to drive the bushing festival on their own. In fact, the festival was at a crossroad and may not have proceeded. However, thanks to the dedicated communities of the McLaren Vale, Willunga and McLaren Flat regions, together with the McLaren Vale Rotary Club, the McLaren Vale Festival Association was formed.

I also acknowledge Peter Cochrane from Cochrane Transport Services, who is a significant private sector sponsor and who has directly contributed time and money to ensure that the festival occurred this year. A range of other sponsors also got behind the Rotary Club and those great committee members from the general community who formed the McLaren Vale Festival Association Incorporated to ensure that the event occurred this year.

As the local member, I was pleased to support an application through Major Events to ensure that $5 000 was made available from the state government to assist with the work in developing the festival this year. Money is one thing, but more important is the in-kind support, especially the thousands of hours of work and effort of that committee. All that effort culminated on a nice Sunday afternoon at the McLaren Sport and Recreation Grounds, where we saw a large number of people, not only from the immediate southern region but from across the broader greater Adelaide area, coming along to enjoy what was a very packed and eventful day of activities.

The day culminated in the media wine bottling event. Whilst, sadly, Mayor McHugh, from the District Council of Alexandrina, and I did not win that event, as the local member it was great to be involved in one aspect of the festival. Since that event the community has indicated that the new direction, initiatives and ideas that were put in place for that festival certainly bore fruit; and it encourages the festival committee to keep going with this important day.

It was also great to see the parade down the main street in the morning. The parade has always been supported by community organisations and businesses in our region, but I place on the record my appreciation to the CFS and the SES,

the South Australian police department, as well as the young people of the McLaren Vale and Willunga regions. I particularly think of the Madge Sexton Kindergarten, which has been very active in the parade for a number of years. I also thank the primary school and some of the local churches that put in an extraordinary effort on the Sunday when it is more difficult than normal for them to dress up a display and to be involved in the main street procession.

It is these sort of one-off events that integrate with other one-off events that are achieving the big picture and the big opportunity for our region. The city of Onkaparinga, I understand, has received a record number of development applications. It has reached a point where constituents have been telling me that, as a result of the increased workload, there have been some slight delays in approvals. That demonstrates the fantastic commitment and community spirit within the McLaren Vale-Willunga region, which is allowing these economic opportunities to continue to grow. It is that partnership approach between the community, industries, the council and state and federal governments that will capitalise on opportunities, such as the McLaren Vale Bushing Festival, which will develop our region.

Diplomats and the like often tour the region. We get a lot of them. The Duchess of Kent and other overseas visitors tell me—

The Hon. M.D. Rann: A very nice person!

The Hon. R.L. BROKENSHIRE: Indeed, as the leader said, the Duchess of Kent is a wonderful person. I had an opportunity to spend a considerable amount of time with her. Clearly, the Duchess is one person who appreciates that community support and development. However, my point is that when I meet with these international visitors they tell me that, when they come to the region, they can feel that community spirit. That is something we have been fostering for generations, and it is very important that we continue to develop that spirit.

When a mix of social and economic development works together we are able to capitalise on opportunities that, at the end of the day, allow for the growth and development of each and every one of us who is lucky enough to live in this great region. I do not want to single out any individuals. There is always a danger in that, because some people put in an enormous amount of time whereas others may not do so much, but when they work on a committee they are all important in ensuring that this event occurs. As their local member, I want to place on the public record my sincere appreciation and congratulations for a wonderful effort.

The Hon. M.K. BRINDAL (Minister for Local Government): I rise to support the minister in his capacity as local member in moving this motion. The Bushing Festival in McLaren Vale is a very important part of the festive life of McLaren Vale and is very highly regarded by the locals. Most significantly—and I am sure that the Hon. Mr Brokenshire referred to this in his contribution—it is the point of celebration, the culmination, of a year's harvest for what is, undoubtedly, one of South Australia's great industries. The member for Mawson is perhaps a little prejudiced, but he thinks the best red wine—

The Hon. R.L. Brokenshire: I'm honest.

The Hon. M.K. BRINDAL: He claims that the best red wine comes from McLaren Vale. Some in the South-East may well dispute that. McLaren Vale is one of the most notable wine regions in the state, and it produces an excellent quality product. I am a bit shamefaced to admit this but, although I have been 51 years in this state and thought I had driven all around the Southern Vales, some time ago I drove from the member for Davenport's electorate (I was up there looking at something) to the Amaroo water gardens on the escarpment. To do so, I had to cut across country. I saw much more of the Southern Vales wine region than I have ever seen before. I think that there is a lesson for everyone in this state, but I did not realise how pretty and scenically beautiful that area is. It is a lovely area. It is a place where, when I get a day off, I will try to take my grandchildren and my wife for a drive. I did not realise just how beautiful it is.

It is easy to drive down the old South Road or the new South Road, to zip over the escarpment and to think that you have seen the Southern Vales when, in fact, you have touched just one end of it. It is an industry that is most important because of its economic benefit to South Australia. But what should not be underestimated, especially given the size of many of the Southern Vales wineries, is the tourism potential of the area. Many of the wineries down there are boutique: they will not produce the quantity of wines to send pallet load after pallet load to the United Kingdom. But they are the sort of place where connoisseurs of wine will come to search out a different and quality product. They will find them in McLaren Vale, in the Barossa Valley, in the Clare Valley and in the Coonawarra. So, it is a great industry.

I also add my enthusiasm to some of the work that the local member has encouraged through Southern Partnerships and within some of the schools. Willunga school has enthusiastically adopted the wine industry and has its own grapevines. So, it teaches its students and students from outside elements of the viticulture industry up to and including wine making. It produces some quite good quality wine in its own right.

The Hon. R.L. Brokenshire: Herbert Allen Shiraz.

The Hon. M.K. BRINDAL: If Hansard would care to buy a bottle or two, I am sure the member for Mawson could arrange it.

The Hon. R.L. Brokenshire: Cases or pallets.

The Hon. M.K. BRINDAL: Yes; cases or pallets also accepted. The—

Mr Koutsantonis: I hear your brain ticking over.

The Hon. M.K. BRINDAL: It must be a unique experience: I do not think you have ever heard yours do anything. The school therefore and the district generally is enthusiastically embracing the opportunities which the viticulture industry is bringing to an area. As the member for Morphett knows, it is a very interesting area because it is not exclusively viticulture. Increasingly, it is a residential suburb, and there is a creative tension evident within the Southern Partnerships, which I am privileged to be on, whereby the viticulture industry and the needs of residents are sometimes at variance. With people shifting to that area and suddenly discovering that in the viticulture industry sometimes you need scare guns—and with residents saying, 'Well, we didn't realise there was a scare gun down here,' when viticulture is an important part of the industry—occasionally it causes tension. Some of the problems are well known and are being addressed by the local council, the Onkaparinga council.

Having said that, the motion congratulates the McLaren Vale Festival Association on the bushing festival. It thereby congratulates an industry that is doing well. It shifts into tourism and, as I said, is a very important tourism event as well as a very important local community celebration. I commend the member for Mawson for all the work he is doing in his area. The honourable member is one of those

members who works very hard not only as a minister but who makes sure that as a minister he does not neglect the needs of his local seat. There are other members in this House who could take a lesson from his book—and I am not referring to other ministers. The motion is a good one. The sentiment is a good one, and I have much pleasure in supporting the member's motion.

Mr WRIGHT secured the adjournment of the debate.

MOTOR VEHICLE INDUSTRY, TAXATION

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

That this House notes the fundamental importance of the motor vehicle industry to the South Australian economy and the serious impact on the industry of a buyers' strike in the period leading up to the introduction of the GST and urges the federal government, as a matter of urgency, to protect the immediate interests of the local motor vehicle industry by reducing the rate of wholesale sales tax on passenger motor vehicles to mirror the effect of the GST on retail prices.

As members would realise, in September I visited Japan not only for meetings with Mitsubishi and with Bridgestone concerning Mitsubishi's future in our state but also to talk to Bridgestone about a range of policy issues that were impacting upon the tyre industry in South Australia and nationally. But at Bridgestone when I talked to the company senior directors about the pressures on that company in terms of its Australian operations, I expected the focus to be on tariffs and the fact that Australia is reducing tariffs at a rate of knots but that at the same time our international competitors are not doing likewise.

We know from past experience that Australia has lost a huge amount of advantage: 10 years ago, 50 per cent of cars sold in Australia were made in Australia. That is now down to about 20 per cent, and all of us want to see Mitsubishi and Holden's do well in our state. Whilst they talked about the tariff pressures as being a challenge, the problem they particularly wanted to talk about was the impact of tax arrangements prior to the introduction of the GST on 1 July 2000. As members would realise, on 1 July 2000 the current wholesale sales tax will be abolished and replaced with a 10 per cent GST and retail luxury tax where applicable.

As a result, there has been what can only be described as a 'buyers' strike' around Australia. Of course, that buyers' strike means that people are delaying the purchase of new motor vehicles until after the introduction of a GST on 1 July in an effort to take advantage of what is regarded as being a favourable impact on new vehicle prices, although some of that has been substantially overblown. We have been concerned for some time, given that South Australia accounts for about 30 per cent of national automotive employment and output, about the impact on the timing of car sales and purchases of the impending introduction of a goods and services tax.

ABS figures for the month of July reveal a continued decline in new motor vehicle registrations. Passenger vehicle registrations fell by over 8 per cent in seasonally adjusted terms compared with the month earlier, and by nearly 14 per cent for the year. Even in the smoothed trend series, registrations of passenger vehicles fell by a full percentage point compared with the previous month, and by over 7 per cent in the year to July.

It is certainly the view of the industry and many industry commentators that purchasers of vehicles are deferring new purchases in anticipation of lower car prices following the replacement of the current wholesale sales tax with the goods and services tax in the middle of next year. Therefore, it is vitally important that this House, this parliament and this government, in a bipartisan action with this opposition, seek transitional tax arrangements similar to those already in place for a range of other goods to ensure as little disruption as possible to the automotive market in the lead up to the GST's introduction. The opposition believes that this needs to be considered sympathetically and urgently.

The Government's budgetary surplus and the fact that lower sales of cars prior to the introduction of the new tax must surely reduce any perceived benefit to government revenue from the levying of the current wholesale sales tax means that it is vitally important that we convince a South Australian federal minister in Nick Minchin to show some leadership and move to assist Mitsubishi and Holden. Holden itself, which has been doing particularly well, has talked of catastrophic action next year. Mitsubishi in Japan has raised the issue with me and no doubt with the Premier. It is certainly true that there are savings with the introduction of the GST on new cars, although what is not so obvious are a number of factors that could possibly outweigh these savings and could make it more favourable to buy new cars now. After the GST is introduced it is expected that used vehicle prices will fall correspondingly and the savings people can expect to make through reduced GST prices could be substantially offset by the potentially reduced price they will receive for their trade-in. Secondly, the longer people keep their current vehicle the more kilometres it will travel, which will decrease the value of their trade-ins even further.

A number of issues need to be considered, but the government could act now, led by a South Australian federal minister, if he sees fit, and take positive action that would send the right messages to Tokyo and Detroit, would underpin local jobs for the future and would help Japanese executives in particular make favourable decisions at the end of this year in the best possible climate. I certainly urge the support of all members of the House for this motion.

The Hon. I.F. EVANS (Minister for Industry and Trade): I will contribute to this debate, and anybody who wants to get the speech notes might want to refer to the article in the *Financial Review* this week. One of the national papers had a good article on the position in which the local automotive industry finds itself, and the leader of the opposition has basically summarised some of the local press articles into his contribution today. The parliament is fully aware that the government for some time now has been taking up this matter with our federal colleagues. Both the Premier and I have taken the opportunity to raise the matter with Senator Minchin. The Premier has also taken the opportunity to raise the matter with other federal ministers in order to address the issue relating to the reduction in car sales in what some consider to be a response to the GST.

No doubt it is an issue for some of the companies involved. The general view is that Holden tends to be travelling all right, mainly due to its success on the export market. The Premier has spoken at length on the success of Holden; whether it be the Middle East or elsewhere, certainly its export market sales are holding it in reasonably good stead. It is a far bigger issue for Mitsubishi locally and also for Ford in Victoria, and we understand that they are likely to continue to have a reduced workload due to the lack of domestic sales.

The Premier, as the leader of the opposition well knows, established the Automotive 21 Group, which meets with the Premier on a regular basis for the specific purpose of trying to work with the automotive industry, to take it the next step under a GST or reduced tariff environment and to continue to develop the industry. One of the issues raised at one of the first Automotive 21 meetings was the effect of the GST and the issues the opposition leader raises. The government does not have an issue with the motion—it is in line with what we are already doing anyway. The motion is basically saying that the government should continue to do what it is already doing, namely, taking up the issue with Senator Minchin and other federal ministers at every available opportunity.

We recognise the implications for Mitsubishi locally and the automotive industry Australia wide. It is not just the car manufacturers that are suffering but ultimately the component suppliers—and we have numerous suppliers in South Australia. They also will suffer in the long term if sales drop, as production will reduce ultimately and the number of components required will be fewer. There is an issue for the component suppliers, and we have been taking up the matter on that basis with our federal ministers. We will continue to take it up with them, hoping that the federal government will take whatever action is appropriate, whether it be the action outlined in the motion or other action, and will look at the GST transitional arrangements for the automotive industry to see whether there is not a better way to structure those arrangements so that the implications that currently exist for Mitsubishi and Ford in particular are minimised.

I wanted to contribute in order to update the parliament on this matter. The motion essentially outlines what is already happening as far as the government is concerned on a minister to minister level.

Mr De LAINE secured the adjournment of the debate.

AUDITOR-GENERAL

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

That this House expresses its full confidence in Mr Ken MacPherson, the Auditor-General of South Australia, in rigorously pursuing his inquiries and making reports and recommendations as an independent officer of this Parliament.

This is an extraordinary motion, particularly because we have had to move it and have to debate it. It is a motion in support of an independent officer whose role should never come under question: the Auditor-General—an officer not of the government of the day but of this Parliament, our officer acting in the public's interest. Support by the House and this parliament for the Auditor-General should be able to be taken as read. It is a serious indictment of this government and its reckless approach to process, probity, openness and transparency in government that this House has had to come to the defence of the Auditor-General. Yet we have seen attacks launched on the Auditor-General in another place and a whisper campaign by government staffers seeking to undermine the role and the clout of the Auditor-General. All of it coincides with the Auditor-General pointing out serious deficiencies with the process for the leasing of the state's largest asset—our electricity utility.

Previously, and when it suited it, this government has defended the Auditor-General. The Auditor-General's quite measured and reasonable statements about risk in the electricity market were suddenly transformed into a compelling call for ETSA to be privatised. When the Auditor-General accepted the assurances of the government's lawyers in relation to the water deal, that was good enough for this government. But how ironic that the water deal had to be signed off for fear of legal action from a bidder. Because now the Auditor-General has raised concerns about the process of the ETSA sale and warned of endless litigation if it proceeds under the present process, suddenly he is under attack from this government. In the upper house a senior Liberal backbencher has accused the Auditor-General of 'quite gratuitous and indeed second guessing of matters legal'. The same Liberal member said:

I assume that the Auditor-General's Department does not count as work experience in the public sector. . .

The member concluded his comments by saying:

. . . it is very important that he [the Auditor-General] be consistent and operate within his brief, in particular that he operate within the skills base—

The SPEAKER: Order! Call on orders of the day.

TAFE CHILD CARE

Adjourned debate on motion of Ms White:

That this House urges the Minister for Education, Children's Services and Training to keep open the Regency Institute of TAFE's Elizabeth and Regency campus child-care centres in recognition of the negative impact that closing would have on current and future students' ability to participate in further education.

(Continued from 11 November. Page 428.)

The Hon. M.R. BUCKBY (Minister for Education, Children's Services and Training): This is quite a serious issue within our TAFE system. Members, and indeed the member for Taylor, would be aware of the circumstances that arose with Nuriootpa campus some 12 months ago when I was approached in relation to the continuation of child-care services for that TAFE institute. When we looked into that institute, we found that it was losing about $40 000 a year in terms of providing the costs of child care.

When we looked even further into that situation we found that, from memory—and I would stand to be corrected—about 23 or 24 children were using the service at Nuriootpa. When we delved further, in terms of whether they were children of students, staff or people outside the community with no direct interaction or undertaking of subjects at all, we found that only three students had children in that child-care centre. The other 20-odd children were those of people from within the community, some of whom were—and I am not joking—doctors, accountants and the like and they were using a subsidised child-care provision within the TAFE institute.

I met with a delegation of people from the Nuriootpa child-care centre and they very forcefully put forward the argument why it should continue. Of course, it was very interesting, because one member of the delegation had nothing to do with the TAFE institute at all. She was not a student but had a child at the centre and was within an income bracket, which, I would suggest, made it very easy for her to afford either to access the community based child-care centre in Tanunda or the private child-care centre in the valley, which was not too distant from her home. As a result, we looked at whether the community child-care centre in Tanunda would make the TAFE institute centre an annex of its centre so that we could cut down the cost of management, so to speak, but still keep it on site.

However, they decided that it was not viable for them to undertake that because of the numbers involved and because their own unit had the capacity to absorb the children from the TAFE centre. They said, 'No, we will not take up that offer,' and, as a result, that centre was closed. I must say that I have not had any complaints from the community since that time. As I said, a private child-care centre and a community based child-care centre are within reasonable distance of the Nuriootpa TAFE, so it has not created a problem.

In the case of Elizabeth, I am advised that there are 35 licensed places and an average of 13 full-time equivalents. There are no full-time enrolments, and that is to be understood, because students only put their children into the centre while undertaking their two hour lecture, or whatever, then pick up their children and go home. So, that is not surprising, but it shows that it is only at one third of capacity.

At Regency, there are 56 licensed places and an average of 23 full-time equivalents. I do not have advice on whether or not there are any full-time children there. Again, it shows that there is about 50 per cent utilisation.

I have asked that a review be undertaken in relation to the location of other child-care centres around Elizabeth and Regency, including whether they are within very close proximity and on public transport routes, so that, for instance, someone who does not have their own transport can drop their child off at either a private or community based centre and still be within a few minutes of both of those TAFE institutes. I am advised that at the moment there is a shortfall of $52 000 for the year 1999-2000. So, the service that is being provided is certainly costing the TAFE institute some $52 000.

I have also asked for a breakdown on how many are children of students and how many are children of people from the outside community. Again, it is the same situation as Nuriootpa: are we providing subsidised child care to those who could afford either to put their children into community based child care, a private child-care operation or something else that is available? It raises the whole issue again—as the member for Waite said—that child care is a federal government responsibility in terms of funding child-care support for parents.

I noted in the member for Taylor's speech that she recognised the reduced amounts that have been paid to parents due to the federal government cuts in that area. I certainly lobbied the federal minister in that area and made him well and truly aware of the problems which that was causing people within our community so that he would be well aware of the feeling in the electorate about it. However, I and other state ministers were unsuccessful in changing his mind about that, so the status quo remains.

As I said, I should have a report on this issue within the next couple of weeks, but it concerns me that, if the figures show that the children being placed in both these centres are predominantly from outside of TAFE (in other words, not children of students), and that those people have the ability to pay, it seriously raises the question whether access should be given to those people. I would have thought that this service was for the students; that is, to provide adequate child care for them at a low cost to encourage them to study without having barriers put in front of them. However, I do not know whether it should be available to the community because we have community child-care centres.

The House would be well aware of the Premier's $1 million fund that we set up to help community based child-care centres and also that part of this money has now flowed onto private child-care centres in recognising the changes to the federal allocation to parents and centres. We have now paid out over $1 million to help those centres to remain viable and to help them to undertake administrative changes to make them more efficient and therefore to be viable operations in the long-term. We have not been able to help a few because numbers have drifted too low and, as a result, they have taken the decision to close. I cannot tell members the number now, but a large number have been able to remain open through the subsidy that they have received from the Premier's fund.

I come back to these questions: (1) should we be supplying people outside TAFE with subsidised child-care places within TAFE institutes; (2) what is the proportion of students using the service versus those who are outside the system; (3) how close to TAFE institutes are alternative centres? If an alternative centre is 20 or 30 minutes—

Time expired.

The Hon. M.K. BRINDAL (Minister for Local Government): I am perplexed by this debate, especially after reading the very intelligent contribution of the member for Waite and from listening to the minister. I hope that the member for Taylor, who is usually an intelligent and reasonable person, will withdraw this motion.

Ms White interjecting:

The Hon. M.K. BRINDAL: The member for Taylor asks why. I say that because, firstly, the minister has clearly explained that she is pre-empting a decision that the minister is yet to make. Secondly, by all the arguments that the minister put forward in a very compelling fashion, there is a need to look at this matter. Since I have been in this place, which is very shortly to be 10 years, members opposite have always claimed the mantle of protectors of those who are unjustly treated and defenders of social justice. I cannot understand this motion given what the minister said about the Nuriootpa TAFE Institute.

The federal system subsidises people into TAFE depending on their level of need. The member for Taylor referred to people who are in part-time work, students, single mums and others in necessitous circumstances who can access child care through the existing system. The minister has clearly said that, within the TAFE system, there is a cross subsidy from state government which is being accessed often by people from socioeconomic circumstances such that they would not clearly qualify in any other system. Yet the member for Taylor in this place seems to defend a misuse or what would have to be adjudged as not a good use of public funds.

In this place on any other day the member for Taylor stands and questions the minister quite rightly on the placement of educational resources and on the key business of education, which is educational opportunity for our school-aged children and for those who are entering or have entered and need retraining within the work force. The key function of TAFE is the proper training of people to have them job ready and to enable them to take their rightful place in society. This is a necessary adjunct to that. If such people are single mums, if they need help or if they are full-time students, so be it.

I would be pleased if in her summing up the member for Taylor can explain how a TAFE institute which has only two or three placements for children of TAFE students, whose places are 50 per cent under-utilised in terms of FTEs and whose clientele are people who could well afford to pay their own way in the private system, in any form of social justice

can claim a continuing subsidy by the state of a service that is clearly not being efficiently used, given that she demands that more money be placed elsewhere within the system. I notice that the honourable member nods.

If her solution is that we are to be all things to all people at all times, let her release her policy, which says clearly to the people of South Australia that we will have to increase taxation in order to keep TAFE open. The Hon. Frank Blevins, whom you would well remember, sir, was the master in this House of saying to us in opposition, as again you would remember, sir, 'We can give you anything you want. If you want your railway station reopened, we will reopen it. If you want to keep your child-care centre, we will keep it. You just tell the people of South Australia how we are going to pay for it.' It always made me think twice. I am suggesting that members of the opposition should take the advice of an eminent minister who came from their side of the House and answer the same question. If they want everything, they should produce their policy and tell the people of South Australia how it is that they intend to pay for everything. This government and this minister are acting most responsibly. They are trying to concentrate on the core business of education.

Ms Key: What about little children?

The Hon. M.K. BRINDAL: The shadow minister for youth, being vitally interested in all matters concerning youth and small children, asked about little children, and there is an answer to that. While child minding has a part in the educative process, it is really a adjunct. I am not saying it is not important, but so are parents, as is the whole fabric of how young people are brought up. I am glad that the shadow minister has asked this question because it gives me five more minutes to be able to explain to her what the problem is.

The Hon. I.F. Evans interjecting:

The Hon. M.K. BRINDAL: Perhaps she will allow me to extend because it is a very interesting subject, as the minister suggests. The fact is that the formal educative process to which the government is committed starts with the kindergarten years and the preparatory years for school. That is when it starts.

Mr Foley: Child care.

The Hon. M.K. BRINDAL: I have just said that child care is an important adjunct to that, which is very good for children and a good social justice initiative.

Mr Foley: And a learning process too.

The Hon. M.K. BRINDAL: Yes. The member for Hart knows all those things and he might be aware that his colleague the shadow minister is arguing that child-care places for people like doctors, lawyers and members of parliament, who can probably afford to pay for child care, are being made available and utilised within the TAFE system, thereby allowing some very high income earners to get what effectively is subsidised child care. The member for Hart might talk to the member for Taylor because she is espousing that sort of rort. Those people can afford child care and they should be paying for it. They should not be using the TAFE system as a method of cross subsidy. They should be paying for child care.

Mr Hamilton-Smith: Hear, hear!

The Hon. M.K. BRINDAL: I commend the member for Waite's speech to the member for Hart and the member for Taylor, because he quite eruditely said—

Mr Foley: Conflict of interest.

The Hon. M.K. BRINDAL: The member for Waite does not have a conflict of interest because he has declared his interest in child-care centres. There is no secret in that fact, and he contributed to the debate. There is no conflict on this matter. He pointed out quite rightly that, under Prime Minister Keating, the commonwealth government took prime responsibility for child care and the child-care system. It laid down the principle of child care, a system of payment and a system of subsidy. I would have thought that the member for Hart would support it, because the Keating government also said quite clearly that child care can and should be available to all but that the commonwealth's involvement should be limited to those who need it. The commonwealth government applied a means test.

The member for Taylor proposes the continuation of a system which allows some people, often wealthy and privileged people, to rort the system since they are not eligible for a subsidy from the commonwealth government by taking a placement in TAFE where they get a subsidy from the state government.

As shadow Treasurer, the member for Hart is vitally interested in the good use of dollars from the Treasury of South Australia. He tells us that every single day. If he is, then he will vote with the government on this motion. The member for Taylor is clearly proposing the continuation of a system that is not a good use of government money. Country members who have a vital interest in TAFE know that the dollars should be placed in courses which give employment opportunities to TAFE students. We need every dollar in the core business of education that we can get. This motion proposes the continuation of a rort, the ineffective use of government money, and it therefore should not be supported. I hope, though, that we do not have to vote on the matter.

An honourable member interjecting:

The Hon. M.K. BRINDAL: I'm talking about TAFE.

Time expired.

Mr De LAINE secured the adjournment of the debate.

HINDMARSH STADIUM

Adjourned debate on motion of Mr Wright:

That this House requests the Treasurer, under section 32 of the Public Finance and Audit Act 1987, to request the Auditor-General to examine and report on dealings related to the Hindmarsh Soccer Stadium Redevelopment project and in particular—

(a) whether there was due diligence by government representatives prior to the signing of agreements for construction stages 1 and 2 of the project;

(b) whether due diligence was applied subsequent to the commitment to stages 1 and 2, including whether the Crown Solicitor's advice as described on page 12 of the 33rd report of the Public Works Committee dated August 1996 was adhered to;

(c) whether undue pressure was placed on individuals leading to legal commitments by them on behalf of sporting clubs or associations;

(d) the present status of all relevant deeds of guarantee or other legal documents, the financial status of the signatories and whether the legal agreements have created financial difficulty for any non-government persons or organisations;

(e) whether there were any conflicts of interest or other imprudent or improper behaviour by any person or persons, government or non-government, involved with the project and whether the appropriate processes were followed in relation to—

i. the planning of the stages of the project;

ii. the awarding and monitoring of consultancies;

iii. the tendering process;

iv. the letting of contracts;
v. the construction of the stadium; and
vi. the ongoing management of the stadium; and

(f) the Auditor-General be requested to include in his report recommendations for government and the parliament where appropriate.

(Continued from 11 November. Page 433.)

The Hon. I.F. EVANS (Minister for Industry and Trade): I move:

That the debate be further adjourned.

The House divided on the motion:

AYES (21)

Armitage, M. H.	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Buckby, M. R.	Condous, S. G.
Evans, I. F. (teller)	Gunn, G. M.
Hall, J. L.	Ingerson, G. A.
Kerin, R. G.	Kotz, D. C.
Matthew, W. A.	Maywald, K. A.
Meier, E. J.	Olsen, J. W.
Scalzi, G.	Such, R. B.
Venning, I. H.	Williams, M. R.
Wotton, D. C.	

NOES (21)

Bedford, F. E.	Breuer, L. R.
Clarke, R. D.	Conlon, P. F.
De Laine, M. R. (teller)	Foley, K. O.
Geraghty, R. K.	Hanna, K.
Hill, J. D.	Hurley, A. K.
Key, S. W.	Koutsantonis, T.
Lewis, I. P.	McEwen, R. J.
Rankine, J. M.	Rann, M. D.
Snelling, J. J.	Stevens, L.
Thompson, M. G.	White, P. L.
Wright, M. J.	

PAIR(S)

Hamilton-Smith, M. L.	Atkinson, M. J.
Penfold, E. M.	Ciccarello, V.

The SPEAKER: There are 21 Ayes and 21 Noes. There is an equality of votes, and I give my casting vote for the Ayes.

Motion thus carried.

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

AUDITOR-GENERAL'S REPORT, SUPPLEMENTARY

The SPEAKER: I lay on the table the supplementary report of the Auditor-General for 1998-99 on agency audit reports.

The Hon. R.G. KERIN (Deputy Premier): I move:

That the report be published.

Motion carried.

PAPERS TABLED

The following papers were laid on the table:

By the Premier (Hon. J.W. Olsen)—

South Australian Motor Sport Board—Report, 1998-99

By the Minister for Human Services (Hon. Dean Brown)—

Aboriginal Housing Authority—Report, 1998-99
Administration of the Radiation Protection and Control Act—Report, 1998-99
Commissioner of Charitable Funds—Report, 1998-99
Department for Transport, Urban Planning and the Arts—Report, 1998-99
Department of Human Services and South Australian Health Commission—Report, 1998-99
TransAdelaide—Report, 1998-99
Office of the Public Advocate—Report, 1998-99
Optometrists Board—Report, 1998-99
Passenger Transport Board—Report, 1998-99
South Australian Community Housing Authority—Report, 1998-99
South Australian Housing Trust—Report, 1998-99
Transport SA—Report, 1998-99

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

Construction Industry Long Service Leave Board—Actuarial Report, as at 30 June 1999
Freedom of Information Act—Report, 1998-99
Industrial Relations Court and Commission—Report, 1998-99
Occupational Health, Safety and Welfare Committee—Report, 1998-99
Privacy Committee of South Australia—Report, 1998-99
State Records of South Australia—Report, 1998-99
State Supply Board—Report, 1998-99

By the Minister for Environment and Heritage (Hon. D.C. Kotz)—

Department for Environment, Heritage and Aboriginal Affairs—Report, 1998-99
Murray-Darling Basin Commission—Report, 1998-99

By the Minister for Industry and Trade (Hon. I.F. Evans)—

State Emergency Services SA—Report, 1998-99

By the Minister for Tourism (Hon. J. Hall)—

Adelaide Convention Centre—Report, 1998-99
Seventh Australian Masters Games Corporation—Report, 1998-99
South Australian Tourism Commission—Report, 1998-99.

MURRAY-DARLING BASIN COMMISSION ANNUAL REPORT

The Hon. D.C. KOTZ (Minister for Environment and Heritage): I seek leave to make a ministerial statement.

Leave granted.

The Hon. D.C. KOTZ: As most members would be aware, the Murray-Darling Basin Commission superseded the Murray River Commission in January 1988. The commission is the executive arm of the Murray-Darling Ministerial Council and consists of representatives from the commonwealth, South Australia, Victoria, New South Wales, Queensland and the Australian Capital Territory. The commission brings each of the Murray-Darling catchment jurisdictions together to promote and coordinate effective planning and management for the sustainable use of the water, land and environmental resources of the region.

The 1998-99 annual report of the commission details the activities that were undertaken in the past financial year. I would encourage members to read the report, because it is all too easy to focus on the big negative stories in relation to the Murray River and to forget the day-to-day works that are constantly taking place throughout the catchment to improve water quality.

During 1998-99, the Murray-Darling Basin Commission has overseen the establishment of 10 high level project boards to help target projects and to ensure that their outcomes address key natural resource management issues in an

integrated manner. These boards have focused on the major work of the commission, namely:

- auditing and managing the implementation of the cap on diversions from the river system;
- implementing pilot interstate water trading for the first time;
- developing revised flow rules for environmental flows in the Murray River and allocating an environmental flow for the Barmah-Millewa forests for the first time;
- implementing the salinity and drainage strategy for the basin. The strategy is based on a balance between engineering solutions, such as salt interception schemes and non-engineering schemes, such as land and water management, which tackle both river salinity and land salinisation. This work has been complemented by the basin salinity audit, which was released on 22 October;
- Following on from the salinity audit, the commission is currently developing a salinity strategy for the basin, which is expected to be ready by mid 2000.

In the past year, the commission has also been researching the frequency and causes of algal blooms, launched the Flood Plain Wetlands Management Strategy to guide and support on ground action to enhance wetlands within the catchment, developed a Fish Management Strategy and focused on improving communication and training delivery for residents within the Murray-Darling catchment. These achievements are not short-term measures but are building a pattern of responsible management for the country's most important waterway. They would be even further complemented if those states in the upper catchment zone could commit themselves to more responsible environmental management within the catchment. It is quite clear that this is not yet the case.

According to the *Sydney Morning Herald* of 30 October 1999, more than 60 million trees have been cleared in Queensland in the past 12 months, equating to more than 300 000 hectares of native vegetation and about 15 per cent of the nation's greenhouse gas emissions. At a time that the nation is reeling from the results of the Murray-Darling Basin salinity audit, I am sure that I do not have to detail to members of this House the long-term implications of such clearance rates on the salinity levels of the entire Murray-Darling system.

In contrast, virtually no intact native vegetation was cleared in South Australia in the past year, a situation which has prevailed in South Australia for several years. In 1998-99, an estimated 4 293 hectares of native vegetation was replanted or restored in this state, whilst only 1 300 hectares was affected by clearing of degraded regrowth and scattered trees. South Australia has reached the stage where significantly more native vegetation is being re-established than is being cleared.

In addition, the future and quality of intact native vegetation is being improved at a rate of 19 931 hectares per year by placing vegetation under the South Australia Heritage Agreement scheme. Our revegetation figures demonstrate that economic development and environmental management are not mutually exclusive. This state is committed to developing our rural industries, but we will do so for the long term. However, without a healthy Murray River there is no long term. The implications of reckless vegetation clearance in Queensland now will be felt by land-holders throughout the Murray-Darling Basin for years to come.

Of a more immediately alarming nature, the commission's annual report highlights the likely breaching of the cap agreement in the Lachlan, Darling and Barwon Rivers areas. I can report to the House that a more recent brief has shown this prediction to be accurate. I can also report that diversions from the Murrumbidgee exceeded the climate adjusted cap target for 1998-99, although they have not yet reached the cumulative 20 per cent trigger for cap exceedance. These breaches are unacceptable. Every time a higher catchment state allows the cap to be breached, they are diverting water away from the environmental flows of the river.

The reluctance of New South Wales and Queensland to admit that the spirit of the cap agreement is not being applied is of great concern to this government—and, I would hope, to all members of the House. The upper catchment states must give more than lip-service to the cap agreement for the sake of the entire river system.

The South Australian government remains firmly committed to the cap agreement and continues to comply to that agreement to the letter. We have taken decisive action to attempt to protect the quality and quantity of water entering South Australia via the Murray-Darling system. The Premier wrote to the Prime Minister in October of this year, expressing his concern about any possible further diversions of water from the Murray River, specifically in relation to the Snowy River. The Premier has also expressly requested federal leadership on this issue.

I have similarly written to the Victorian Premier, the environment minister and the federal industry minister on the same matter. We are seeking assurances that any environmental outcomes relating to the Snowy River do not impact on the flows of the Murray River in South Australia. The plain fact of the matter is that the amount of water passing to the sea at the mouth of the Murray is just 20 per cent of its historical level, whilst water passing to the sea at the mouth of the Snowy is at 52 per cent. Any diversion of water out of the Murray-Darling system would lead to significant environmental and economic impacts all along the river valley. This government will remain vigilant in the protection of the river system, whether the threat be from breaches to the cap agreement or from diversions to other river systems. The annual report of the Murray-Darling Basin Commission highlights so many positive works that are being achieved daily through cooperation between the Murray-Darling Basin jurisdictions.

These positive steps, however, are being undermined by the inability of the upper catchment governments to commit seriously to on-ground action that protects the vegetation and the water flows of the Murray-Darling Basin. The agreement to work together for the Murray-Darling must go further than rhetoric. The upper catchment governments must start putting their rhetoric into action for the future of our Murray River.

ANNUAL REPORTS

The Hon. I.F. EVANS (Minister for Industry and Trade): I lay on the table the annual report of the State Emergency Services SA 1998-99.

The Hon. J. HALL (Minister for Tourism): I lay on the table annual reports of the Adelaide Convention Centre, the Seventh Australian Masters Games Corporation and the South Australian Tourism Commission.

The Hon. R.G. KERIN (Deputy Premier): I move:

That the annual reports be published.

Motion carried.

PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I bring up the second report of the committee on impacts of past and present coal mining operations on the health of workers and residents of Leigh Creek and environs and move:

That the report be received.

Motion carried.

The Hon. R.G. KERIN (Deputy Premier): I move:

That the report be published.

Motion carried.

PUBLISHING COMMITTEE

Mr VENNING (Schubert): I bring up the first report of the third session of the committee and move:

That the report be received and adopted.

Motion carried.

ELECTRICITY, PRIVATISATION: NO-CONFIDENCE MOTION

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

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

Motion carried.

The Hon. R.G. KERIN (Deputy Premier): I move:

That the time allotted for this debate be as follows: the mover 20 minutes; the principal speaker in opposition 20 minutes; and four other members 10 minutes each.

Motion carried.

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

That this House has lost confidence in the Premier as a minister of the Crown and leader of the government, and in the Treasurer as a minister of the Crown, as it is of the view that they, on behalf of the government, have seriously compromised the state's interests in their handling of the ETSA privatisation process and in their refusal to extend the bid process.

Members interjecting:

The SPEAKER: Order! The leader has the floor.

The Hon. M.D. RANN: This opposition has rarely moved no confidence motions. We have used the process sparingly so as not to devalue the coinage or diminish the parliament. When we have taken the serious step of a no confidence or privileges motion there have been serious consequences—a deputy premier forced to resign. This motion is about accountability, about ministerial responsibility and about probity but, most of all, it is about incompetence and deceit—compounded incompetence, compounded deceit.

But let us track back a few years. We all remember this Premier's water outsourcing deal. Despite the assurances to this House and guarantees about what was supposed to be in the contract, the water deal has not produced the goods in terms of jobs, lower water prices, Australian ownership or economic development. But worse, far worse, in terms of our representation as a state, it was a soiled process. Basic probity rules were ignored and perverted; serious ethical and legal issues were covered up. Superficially it was about bids being opened and distributed to unauthorised personnel hours before the final and successful bid arrived late.

It was about probity auditors and key personnel going missing and security cameras running out of videotape just in time. But that was only part of the problem. That process was not only flawed: it was contaminated, probably corrupted. I gave information to the NCA, to a federal parliamentary inquiry and met with the Auditor-General to tell them what I had been told by decent people who said they knew what had happened. The whole bidding process should have been aborted, it should have been cleansed but, instead, a tainted contract was signed, mates were rewarded and a cover-up preferred instead of doing the right thing. But rather than learning—

The Hon. J.W. Olsen interjecting:

The Hon. M.D. RANN: Have there been lower water prices?

Members interjecting:

The SPEAKER: Order! I am sorry to interrupt the leader. Members on both sides of the House will remain silent. This is probably one of the most serious types of debates we can have in this chamber. I expect both sides to hear it in silence.

The Hon. M.D. RANN: Thank you, sir. But rather than learning from that experience of a process that went horribly wrong, this Premier has done it again with the biggest privatisation in our state's history. Tens of millions of dollars have been spent to sell South Australia's electricity assets in a bidding process so flawed that, after his private warnings had been ignored, the Auditor-General was forced to go public and declare that he would not be part of a conspiracy of silence. 'Conspiracy' is an interesting word for a lawyer to use, and one who chooses his words carefully. Publicly the Auditor-General warned of endless and costly litigation. Privately, in camera, Mr MacPherson warned of contamination, absence of rules and unacceptable conflicts of interest.

But let us first deal with the deceit that began this whole affair. For a year before the election the parliament was told and the public were reassured that the Olsen government would never privatise the state's electricity assets. It would never, ever do to ETSA, it said, what it had done to water. My claims that there was a plan to reverse this policy straight after the election were not only denied, full stop, but, of course, greeted with public claims that I and Labor were lying.

Well, there was a lie, a big lie, and it was not Labor's. After the election the fix was in: a sudden, unanticipated policy reversal, not for ideological or even base political reasons, of course, but because no less than the Auditor-General had raised concerns about the financial risk of continued public ownership in the new national electricity market.

So, Ken MacPherson became the Premier's human shield against the political and public backlash that followed his election deceit over ETSA. We were told that it was not the Premier's fault; he had never intended to privatise. He was forced to break his promise to the people, otherwise he would be showing contempt for the Auditor-General by ignoring his warnings and placing in peril the state's interest and the public interest. So, Mr MacPherson became for the government both hero and talisman, even though he never actually recommended privatisation. How well I remember the day on 17 February last year when the Premier trumpeted in this House:

. . . having had the warnings put to us, and thinking that the Auditor-General's original view might have been over the top in

terms of the risk, we undertook some independent assessment, which we have only just received and which clearly underscores the warning given by the Auditor-General. It would be [the Premier said] a total abdication of responsibility to have those warnings and ignore them and not to act.

One week later, the Premier shouted across the House:

There is no better authority in this case than the public's watchdog—the Auditor-General.

But now Mr MacPherson is no longer the Premier's human shield. For the Liberals he is a pain in the neck, a spanner in the works. Of course, the Auditor-General is attacked in private briefings to journalists by the Premier's staff; he is being white-anted around town. Meanwhile, Liberals in the upper house attack the Auditor-General's expertise. Publicly—

An honourable member: An ex-Labor bloke.

The Hon. M.D. RANN: Did you hear that? This is another attack on the Auditor-General of this state. Now members opposite are trying to taint him politically. Of course, publicly—because the government would not listen to him privately—the Auditor-General spoke out with force and candour. He was not an ex-Labor bloke when they used him to sign off on their dodgy water deal or on their dodgy ETSA privatisation, but he has told the people what this Liberal government did not want them to hear. The Auditor-General has identified serious faults and lapses in probity in the government's handling of the ETSA privatisation. He has stated that this government's ETSA lease process will cost taxpayer money. He told the parliament's Economic and Finance Committee that he would not and could not be part of a conspiracy of silence.

The Auditor-General has already said, in his public supplementary report—and let us go through it—that there was nothing contractually requiring the probity auditor to perform to a minimum standard on the biggest privatisation in the state's history. He said that the first probity auditor had to step down from the position after it was found there was a conflict of interest. He said that that conflict of interest may have marred the whole process, given that other bidders are now not sure whether it led to any inside information being passed on to the bidder with whom the probity auditor had a conflict. The Olsen government then appointed a second probity auditor, but according to the Auditor-General the government again failed to carry out any background checks to see if there was a potential for another conflict of interest. The Auditor-General also pointed out that the probity auditor's brief was too narrow to enable him to do the job, but when the Auditor—

An honourable member interjecting:

The Hon. M.D. RANN: It's in the report published in this parliament. But when the Auditor-General came before the Economic and Finance Committee it was to reveal a set of other more startling matters of concern. The Auditor-General warned that irregularities and incompetence in the process could 'potentially expose the state to increased liability'. I would have thought the Independents in this parliament would have regard to that. The Auditor said of the ETSA privatisation process:

. . . if you continue with the process you currently have in place, you will potentially seriously prejudice the price you will get. You may end up with endless litigation. . .

Then the committee went in camera, and we now know what was said. The Auditor-General said that the information required from bidders is insufficient to determine which offer represents the best deal for South Australia. We could be throwing away millions of dollars. Not only that, the process is open to litigation from other bidders who, when the real nature of any deal is exposed, can claim that their bid had not been treated fairly and equally with the successful bid. The Auditor-General points out that one late expression of interest was knocked out of contention while another was accepted—a replay of the water deal.

He points out that there is nothing to prevent collusive tendering amongst the bidders. He states that the success fees for the highly paid consultants actually encourage them to cut corners to achieve a quick sale and that they are unlikely to be able to be held accountable if their advice is found to be wrong. He points out that there was a massive conflict of interest involving a senior executive who was advising on the sale process while also being the director of another firm involved in arranging finance for one of the bidders.

On 17 September I was in the United States and spoke with one of the bidders, Con Edison. Privately and publicly I said that South Australians would not tolerate any irregularities in the bidding system for electricity assets of the type that marred the government's handling of the $1.5 billion water deal. I said that the opposition would request an urgent meeting with the Auditor-General to seek assurances that the strictest international standard probity rules would apply to the ETSA sale. I said that the South Australian government's handling of the water bids could not be repeated in communities which placed a premium on transparency and accountability. I said that this time, with the sale of ETSA and Optima, the onus was on the Olsen government to get it right and not hold up our state to international ridicule.

When I was speaking to the bidder in New York I said that now that privatisation legislation had been passed by this parliament the opposition would be breathing down the government's neck to ensure that the tender process was clean and aboveboard. Of course, when parliament resumed the Premier attacked me for what I said. I was attacked for insisting that the sale process be clean. The shadow Treasurer and I went to see the Auditor-General. I repeated what I had said in New York. We discussed our meeting with him some years before, just days before the water contract was signed. We did not want the electricity sale process to go down the same road as the water deal, a bent route from Terry Burke to Pacific Road.

The Auditor-General has done the right thing and is doing our state a great service with his warnings, advice and recommendations, despite the abuse and intimidation of members opposite. But the Premier cannot walk away from this. This is his electricity sale. The Premier has described it as his greatest personal and political triumph, even though his privatisation was achieved on the back of his own deceit, the misleading of the people of this state at the last state election. But it was all John Olsen's deal until eight days ago. Now he is using the Sergeant Schulz defence: he 'knows nothing'. It is the Treasurer's baby now. Questions are deferred; questions are referred; the buck is passed. He will 'get a response later'; 'That one will be answered elsewhere. Don't ask me, I'm not responsible. No, no, I'm not responsible.' That is the Premier's theme song.

Once again, the response is not about the state's interest or the public's interest: it is about John Olsen's interest. We are told that this motion will not be passed. We are told that various people have been fixed up, that what they are saying privately will not be said out in the open and that people will not cross the floor, despite their concerns. So, the Premier will be saved today on party lines; that is to be expected.

Politics before integrity; party interests before the public interest; mates first. We all remember the story about who was involved in the last privatisation, who was involved now and who is getting paid and how much. Mates first, state second. If that is the case, South Australia's electricity assets, the biggest privatisation in the state's history, will proceed on not only a flawed but a contaminated basis.

The Parliament will be pulled up tomorrow so there can be no debate, no scrutiny and no parliamentary questions prior to the final bids being received and further reports from the Auditor-General expected next week. There will be no extension of the 6 December deadline for the receipt of final bids, even though the process flaws, the probity problems, the conflicts of interest and the errors so far will not have been fixed.

The opposition called on the government to extend the sittings of this Parliament for a week and to extend the deadline for the bids, not to cost the state money but to save the state money. However, we have had the comical site this week of the government trying to tell us that somehow extending the 6 December deadline would actually cost the state dearly.

The Premier has resurrected a line from his used car days: 'This price for today only'. Will our power lines go off? Do they rot in the sun? Will the private sector really spent $8 billion on something worth $5 billion two months later? Is that what the Premier is trying to convince us of? We were told before by the Premier, although the lines keep changing, that we had to get to market before New South Wales, before Tasmania and before Queensland. Those states are no longer selling, so why the hurry? Why not wait a few weeks to fix the process in accordance with the Auditor-General's wishes?

The real reason is that the government is already spending the ETSA privatisation proceeds; they are already in the budget. It is spending the money before Parliament approved the sale while the owners of the assets, the South Australian people, were never consulted. The fact is that, regardless of the long-term cost to this state, the government is desperate to sell South Australia's electricity assets as quickly as possible for its short-term political survival.

My appeal to members opposite is: how long will you let this Premier get away with it, to do this to our state and to yourselves? The public saw through him at the last election—13 Liberals lost their jobs in the biggest swing in history. He should have been dumped for frittering away Dean's majority, for wasting that huge Singapore like majority, but you continue to follow him like lemmings. Just look at their enthusiastic support for you.

My advice to members opposite is: do not think it will be close next time. This Premier is no Jeff Kennett. Jeff was brought down by his arrogance; this one will be brought down by his deceit. You will be brought down if you continue to endorse both incompetence, dishonour and deceit, but it will be the state that loses unless some of you are prepared to have the courage to act honourably to halt this ETSA sale process until it has been fixed and unless you give the highest office in our state to someone who will put the state's interest, the public interest, before his own.

The Hon. J.W. OLSEN (Premier): A motion of this nature should have substance. It has none and that would be one of the weakest performances in presentation of a motion before this House over some 20 years that I have been involved.

The Hon. M.D. Rann interjecting:

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

The Hon. J.W. OLSEN: This is a Leader of the Opposition who wants to prejudge the outcome. As a political commentator, Dean Jaensch, said I think today, this opposition is intent on destabilising South Australia. That is the objective of the leader and his party. Having built up expectations over the course of the week as a result of the in camera evidence of the Auditor-General, selectively leaked over the week to create the media hype and interest, they had to do something to follow through at the end or bear the butt of the criticism of the journalists. That is what this motion is about today.

It is interesting that we have seen in the preamble to the diatribe of the leader that he made reference to the water contract. He contradicted himself because half way through his remarks he said that the Auditor-General had 'signed it off'. Interestingly, the leader and some of his colleagues and staff have been backgrounding the media today as a scene setter—as a precursor to this debate. What did they say? 'Well, we don't expect to win'—and the leader said that in his speech—'but this creates the opportunity for the opposition to "air a bit of dirty linen"'. That was the quote.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order!

The Hon. J.W. OLSEN: In whose interest is it to air 'dirty linen'? South Australians? No! Is it in the interests of people who might be wanting to invest in South Australia? No, not likely! This is about cheap, political point scoring. The sad thing about this is that it is playing politics with South Australia's future—that is what we are doing today—to fill the media bulletins tonight, and that is about as base as politics and strategy can get. Who is the architect? The Labor Party in South Australia, in particular the Leader of the Opposition. You opposed with every breath in your body this legislation.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! I warn the Leader of the Opposition for interjecting after he has been called to order by the chair.

The Hon. J.W. OLSEN: The Labor Party and the leader opposed this legislation with every breath in their body. They are not prepared now to take the Parliament's decision and move on constructively. You want to continue to spoil, continue to destabilise and continue to destruct the only course that has the opportunity to eliminate the debt that you inflicted upon South Australians. What they do not like about that is, having secured passage of legislation, we did so on the basis of two ALP members—long time, life time members of the ALP—who had a conscience and principle and were prepared to jettison up to 44 years involvement with the Labor Party on a matter of principle because they wanted to move South Australia forward. They had some conscience because under a Labor government they inflicted this upon South Australians and they were intent on assisting a subsequent government to move past, to wipe the slate clean, to get rid of the debt and move on to the future for South Australians.

This motion continues to underscore the fact that the Labor Party and the leader have no plans, no ideas and no direction for South Australia. All it has is scaremongering for cheap political points. The public will eventually see through it for what it is. This is not a forum to satisfy the media bulletins but a forum to ensure the future for South Australians. That has been the basis of the legislation that has been put forward.

If we look at the last part of the motion, we see that the only bit of concern that the leader could indicate might be new is the line that refers to not being prepared to stop or delay the process. In response to that, as I have already said, we will ensure that this matter will be handled diligently, with probity and with objective. The sole and important objective is the best outcome for South Australians and their future. That means being able to retire the maximum amount of debt in South Australia's future.

We are proceeding on the basis that it is a timed factor in returning the best outcome for South Australians. The timetable is in the hands of the Treasurer, and diligently he will make judgments on timetables as we move through to ensure that the best possible outcome is achieved. That is why we are pressing ahead. As is the course of the events, the process, the timetable is in his hands to make good value judgments as we move forward.

I would like to pick up a couple of other points. Yesterday I said that we would enable the Auditor-General to report publicly during the course of this process. That is an important point. One of the key points and concerns of the Auditor-General was how he would be able to report during the interim period of the parliamentary sittings. Well, it has been fixed. We passed the motion yesterday: we gave a commitment and we have delivered on that to enable the Auditor-General to report at any stage through the process. That demonstrated the bona fides of the government in terms of openness and accountability and the opportunity for the Auditor-General to report publicly on this process. So the public is incorporated in this.

In addition, not only did we take that step but we took the next step, and I indicated to the House that, if the Economic and Finance Committee would wish for there to be a select committee that can sit in camera during this period to undertake consultations (as appropriate) with the Auditor-General, we would facilitate that—and today we will. Therefore, does that not demonstrate the openness, the bona fides of the government in terms of, first, giving the Auditor-General capacity and, secondly, putting in place a committee that can work through this interim period. That clearly underscores the point.

I hope members opposite can see what I consider to be the wrecking tactics of the leader. Having not been successful in stopping this process, he is now intent on driving it down. That is the objective. Nothing would suit his political purposes more than for this process to falter, but is that in the interests of South Australians? No, it is not, because this is the opportunity for us to look at retirement of debt in South Australia.

I want to canvass one or two of the concerns raised by the Auditor-General. The Treasurer has comprehensively dealt with the Auditor-General's concerns, but I will repeat a few of the key issues outlined by the Treasurer in another place. It is important to place them in the appropriate context because most of the issues raised by the Auditor-General relate to matters of process, which the Auditor-General believes should be resolved to prevent any problems occurring later in the process, and he stressed that all the issues he raised are correctable. In other words, this process has not gone too far. It is not as if the Leader of the Opposition has got one scintilla of evidence to demonstrate that this process cannot be completed successfully and in the interests of South Australians. Not one bit of evidence has he put on the table today. Why—because he has none to put on the table today.

I would also stress that the Auditor-General did not raise with me or the Treasurer any issue about the disposal process which had been shown could cause detriment to the state—and still has not. I note that the Auditor-General, following his meeting with the Economic and Finance Committee yesterday, when asked whether this set of circumstances should not allow the matter to proceed, answered with an unequivocal no, demonstrating that this process can continue. I have said that, if the Auditor-General has points of view he would want us to take on board, we will accommodate the Auditor-General's points of view as we have in the past, because it is in all our interests to ensure this process is completed efficiently, effectively and in the best interests of all South Australians.

The other point I want to make is this. The Auditor-General has made no allegations of breach of confidence, inequitable or unfair treatment of bidders, or any suggestion of unlawful practice. Now, I hasten to add, that was not the background being suggested last week. That is why I welcome the fact that the transcript is now on the public record because it puts paid to the mischievous selective leaking undertaken by the opposition to create a picture and a perception in the broader community—and you have been debunked. The reason we have the motion today is your desperate attempt to scramble back to save a bit of face with the media. You had pumped up this issue for a whole week and you were scuttled at the end of the week.

The government agrees with the Auditor-General about the need for an appropriate evaluation process and we will work with the Auditor-General to resolve any issues he has with that aspect. The government agrees with the Auditor-General and will issue further supplementary binding rules to bidders of which I understand the Auditor-General was appraised in August. The Auditor-General, as I understand it, now acknowledges that he was appraised and his office was given information in August on those matters. The government agrees also that there needs to be a complex evaluation matrix which rates business against criteria and allows the government to determine which one is offering clearly the best price in the long-term interests of the state. That clearly demonstrates there is a significant level of agreement with the Auditor-General on that particular and critical issue.

As the Treasurer reported in another place, the government has dealt with a number of potential conflicts in relation to this process. One particular issue that had to be managed concerned an adviser who was also a director of an investment fund manager and an entity managed by that fund manager. The adviser wrote to the Treasurer on 9 August. This was an initiative of the adviser, I hasten to add. He wrote on 9 August stating that he believed the investment fund manager was proposing to lodge an expression of interest in anticipation of joining a bidding consortium. He advised the Treasurer as follows: he had declared his interest to the investment fund manager and related entity; he would be absent from any discussion at board meetings concerning the electricity disposal program; and he would not receive board papers relating to the participation of the investment.

Nevertheless, despite his having taken all those appropriate steps of probity, on 23 September, prior to lodging of any indicative bids—this is before they even lodged any indicative bids for ETSA businesses—the Treasurer acted to exclude the adviser from all aspects of the disposal process for ETSA utilities and power. Every step was taken—and it is acknowledged that every step was taken—and the Treasur-

er, to his credit, took those steps appropriately in that time. It is not a case of potential conflict being hidden and then discovered: it is a potential conflict that was fully disclosed by the adviser and then properly dealt with.

Furthermore, the probity auditor was actively involved in resolving this matter and ERSU has provided a full copy of correspondence on this matter to the Auditor-General. We have done everything possible to ensure the process is transparent and accountable. I say to the Leader of the Opposition: have the people of South Australia not suffered enough from your gross incompetence? You are the dinosaur relic of the Bannon and Arnold governments. You are the people that inflicted upon us this debt. You and your mates destroyed this state and its finances and here you go again making maximum carnage and using grubby political tactics simply to destroy this process. Unlike the opposition, we are committed to ensuring the future of South Australia. We will not be drawn into the hypocrisy of the ALP.

An honourable member interjecting:

The Hon. J.W. OLSEN: In terms of the sittings, not so long ago the leader told me that we did not need the optional week because we could dispatch the business this week. However, now at the end of this week he is saying that we need to sit longer than necessary, after we have already put in place two steps: opportunity for reporting by the Auditor-General; and a select committee of both houses of parliament and both sides of politics to sit during the interim. The cover is off the position of the Leader of the Opposition, and we have taken steps to address those issues. Here we are today wasting the parliament's time on a motion that is no more than a blatant political stunt.

I ask this simple question: what is the new piece of information, evidence, background or whatever we want to call it that has been put on the table by the leader today? There is none. It has been rhetoric, political rhetoric, simply to fill up the bulletins tonight to ensure there was no criticism of the ALP and its tactics for a week—tactics that have withered on the vine at the end of the week. The people of South Australia will see the ALP and this tactic today for what it is. It is not constructive: it is simply destructive. It seeks to play base politics with South Australia's future. Let the ALP be seen in the broader community for what it is.

Members interjecting:

The SPEAKER: Order!

Mr FOLEY (Hart): The Auditor-General's report to the Economic and Finance Committee demonstrates beyond question the incompetence and negligence not just of the Premier but also of the Treasurer of this state in the handling of the ETSA lease process. After nearly $60 million of precious taxpayers' dollars have been spent on international and national consultants, what have we got to show for it? I am about to walk members through it. I start with the very first quote of the Auditor-General.

Members interjecting:

The SPEAKER: Order! I warn the Minister for Police, Correctional Services and Emergency Services.

Mr FOLEY: The Auditor-General said:

> . . . if you continue with the process you currently have in place, you will potentially seriously prejudice the price you will get. You may end up with endless litigation. . .

Let us go through the Auditor-General's evidence that he gave to our committee but eight days ago. The first and major concern of the Auditor was that the information being requested from the bidders was insufficient to allow the government to determine which bidders were offering the best price. As he said, if after our ETSA assets had been privatised one of the unsuccessful bidders was able to say that there was no fairness or equity in terms of the best price for the state, and they were able to prove that they could have done better, they would be able to sue the state for potentially millions of dollars. According to the Auditor-General, the final outcome could end up in endless litigation. He went on to say that this was a 'serious deficiency' in the process and stated:

> The most serious thing is the fact that there is no common, consistent basis for the evaluation of each of the bids. Ipso facto, that is an inequity in itself.

Let me quote another very important part of the transcript of his evidence, and all members should listen very carefully to it. My colleague Mr Conlon said:

> What you have said, in a sense, is that there is no common consistent basis for judging the bids. . . and it is possible that the process will unfairly favour a bidder and that other bidders may have an arguable case over that.

Mr McPherson's response was, 'Exactly.' Mr Conlon then said:

> You may unfairly favour the bidder—that is, you may not get the best bidder.

Mr MacPherson said, 'That is right.' The Auditor had earlier made this statement to the committee:

> We would have thought that before you entered into an arrangement such as this there would have been a detailed analysis of the pros and concerns, the risks and the options available to government.

One of his most startling statements to the Economics and Finance Committee was as follows:

> We say (and this is my advice from my advisers, who have been involved in some major asset disposals) that this is a serious deficiency and, because this is a series of transactions over a period of time (this is only the first; the next are the generators, etc.), this ought to be corrected. I can only put it to the committee that, if it is not corrected, there is a serious potential for this process to miscarry.

It is startling to learn that the government knew as early as August this year that the Auditor-General had grave concerns about this process but there was no action, only silence from government. The Electricity Reform and Sales Unit of government sat on its hands with this warning and it continued to sit on its hands until just eight days ago when the Auditor-General came to the Economic and Finance Committee and expressed his concerns that he would not be part of a conspiracy of silence. Since then, there has been a flurry of activity about the bidding changes.

We have learnt today that, only in the latter part of last week, ERSU made contact with the federal government's Office of Asset Sales to get some information about methodology, evaluation processes, matrixes—everything which the Auditor-General said should have been in place months ago and which they said was in place months ago. However, ERSU contacted the commonwealth government only late last week after the Auditor-General exposed the absolute negligence and incompetence of this government. The Auditor-General does not believe that the bidders have sufficient time to adjust their bids. Last Wednesday he told the Economic and Finance Committee that changes to the bidding rules would 'probably delay for some time the settlement date that has been suggested by the Treasurer'.

There are further concerns. The Auditor-General talked about the fact that the expressions of interest process was completely bungled by this government. He said that some came in late and were allowed. One came in late and was

allowed and one expression of interest came in late and was not allowed. The potential for litigation is very real and he stands by that statement. The arbitrary nature of the handling of the expressions of interest, one over another, has not been explained to the satisfaction of the Auditor-General or the opposition.

Then the Auditor told us that one of the key lead advisers was found to be working, to quote the Auditor-General, 'on both sides of the transaction'. This key lead adviser was working for the government as the lead adviser in the process at the same time as he was a director of one of the financing companies that was preparing a bid for the assets. As the Auditor-General says, it was an 'impossible conflict'. He went on to say that, whilst that adviser is not now working on the project, the Auditor-General is very concerned that the process may have been contaminated. That person and his company are still a lead adviser to the government while his other company is providing financial support for one of the consortia.

The Auditor-General spoke about collusive tendering, about the potential for one firm to be working on three bids. He went on to talk about success fees, saying that there is another 'very significant issue'. The Auditor-General stated that the lead adviser's contracts include a success fee that could work against the state's best interests. The Auditor-General said—

Members interjecting:

The SPEAKER: Order! There is too much interjection on my right and I warn members on my right to desist from scattergun interjecting.

Mr FOLEY: Thank you very much, sir. The Auditor-General said:

> That means that they have a proprietary interest in seeking completion of a deal, probably as quickly as possible. . . If they do not conclude a deal they will not get their commission, but the better the deal they get in terms of price the bigger the commission they get irrespective of risk.

Another major problem identified by the Auditor-General is that there is no clear line of accountability in which the assessment process has been set up. He said:

> By having that advice communicated through a committee type structure, it is virtually impossible to attribute accountability with respect to a particular course of action that might be taken. That may mean that the government has no redress in the event that of course it turns out to be seriously flawed.

Well, the Premier said that there is nothing new today. I say this to the Premier: the Treasurer's response did not answer the Auditor-General's key concerns. I have in my hand a confidential report which was provided to me yesterday on the Economic and Finance Committee and given to the government yesterday. The Auditor-General required by 9 a.m. Monday morning a reply from this government to these concerns because, guess what, they have not as yet been corrected as the Treasurer has indicated. The Treasurer has said that we should simply take him on trust. If you are to believe the headlines in today's paper, you would think it is all fixed.

I have here a report from the Auditor-General to the government that he wants responses by Monday to the serious concerns because, guess what, they have not been fixed. If this government wants to act irresponsibly, if this government wants to act recklessly, if this Premier wants to allow another State Bank fiasco in this state and not heed the warnings, he does so at his own risk. The warning lights are flashing. The red light is flashing. The Auditor-General is saying, 'You must fix it.' However, the government's response is that we will steamroll through. Members, remember this: there is just two weeks till bids close. The revised bidding rules will not be issued until one week before the bids close. That gives bidders one week. The Auditor-General has said that is insufficient time. Premier, if you and the Treasurer push ahead with this, you put at risk our state's future and our financial future, and you will be condemned. You will be up there with Tim Marcus Clark if you forget and ignore, and do not take—

Members interjecting:

The SPEAKER: Order!

Mr FOLEY: —and do not heed the warning. You should not act irresponsibly and recklessly.

Time expired.

The SPEAKER: Order! Before calling the Deputy Premier, I remind members of the serious nature of this debate. The chair will not accept the scattergun interjecting from either side. If members want to take part in the final vote, I suggest that they heed my words.

The Hon. R.G. KERIN (Deputy Premier): I certainly rise to appose the motion and, in doing so, almost feel a bit inclined to apologise to those in the gallery for that bit of theatre. The motion states that the process has seriously compromised the state's interests, but that is exactly what this motion does. The behaviour of certain opposition members over the past week has very much done that. This is very much about theatre. The member for Hart then was at in his most typical; we are getting very accustomed to that. This is not about looking after the state's taxpayers. Their interests are best served by bipartisanship, particularly when we have something like the ETSA sale which is so vital, not only to people in here but to all South Australians right across the board. That will go a long way towards fixing the mess that was created by our predecessors.

Today, we have had to listen to some absolute rubbish. One of the things that is upsetting is the fact that what we have heard are constant, unsubstantiated allegations for which there is absolutely no proof and which we have heard put forward before. There is never any substantiation. The attitude is, 'Just throw them out there and see if they can do a bit of damage.' The government acknowledges that the Auditor-General has some concerns, and the Treasurer and the government are addressing those concerns. Constructive dialogue is taking place and response was forthcoming. The Treasurer has met with the Auditor-General. You ought to listen to the fact that the Auditor-General has taken a lot of satisfaction from the answers that the Treasurer has being giving him and the lengthy statement—

An honourable member interjecting:

The Hon. R.G. KERIN: The member for Hart has chosen to ignore statements that were made in the other House yesterday. We now have a system that is working to address the concerns raised and assure the probity and credibility of the process. The major thing is that it is there to look after the interests of this state, which some other behaviour is not. What we have seen today is about maximum mayhem. The motion ignores what is best for South Australians. What is best for their interests is running a long second to the political purposes of this motion, and any thoughts that opposition members may have had fleetingly about the effects of their action over the past week they have dismissed and they have put the finances of the state second to their own political purposes.

Yesterday, the member for Gordon made a short but concise contribution about the manner in which selected information has been put out publicly over the past week, which has given a distorted and unbalanced view and which has led to unfair public perceptions on the lease process.

Mr Foley interjecting:

The Hon. R.G. KERIN: The member for Hart asks, 'Who?' I think that the opposition ought to have a good look, because it has certainly come from that side, not this side. This motion follows on from what have been appalling actions of the past week to milk the absolute maximum out of the concerns that were raised by the Auditor-General. This week the opposition has been questioning the faith that the government has in the Auditor-General, and the government has responded appropriately to how it feels about the office of the Auditor-General.

Whilst on one hand it has been questioning our confidence in the Auditor-General, on the other hand the opposition has been constantly misrepresenting the Auditor-General by quoting selectively. So much for the opposition's respect for the office of the Auditor-General! Your selective quoting—indeed, leaking—shows a contempt for the Attorney-General and his position, and the opposition should be condemned for that.

Yesterday, the Treasurer refuted what opposition members are today saying and implying. The opposition would have the people of South Australia believe otherwise than what was said by the Treasurer yesterday. This constant misleading of the public is treating them with contempt. So much for the 'Labor listens' lines that we always hear. We always see the member for Hart with a *Financial Review* under his arm; that is the sole credential he has for his ambitions of being the state's next Treasurer. I wonder how the member for Hart felt today when he read the *Financial Review* in which he would have seen a report that the bidders were pulling out of the contest for our electricity assets. Well done! What an achievement that is! Do you think the South Australians should thank him for that? I am sure they will not. They will see through that game. When he spoke today, yet again he tried to have the House believe that the evaluation procedure for the bidder process was not started at the end of last week. That is absolute rubbish—and he knows that! That phone call that he talks about with the feds came in late in the process. They had done the work. He tried to mislead this House and the public that that work had not started. I quote from the ministerial statement yesterday, as follows:

> Details of the proposed evaluation procedure and the evaluation matrix have now been provided to the Auditor-General. The government believes that all this information should demonstrate there are substantial areas of agreement between the Auditor-General and the government on the proposed evaluation procedure.

Once again, the member for Hart got that totally wrong. This is a sad but typical tactic that we now have before the House. It really is a sad move and the result of a week of totally inappropriate parliamentary behaviour of which, as the member for Gordon pointed out yesterday, no-one should be proud. I urge the opposition to get out of the gutter, work with the government to maximise the benefits to the people of South Australian that can come out of the ETSA lease process. It is far too important for all South Australians to mess around with this process, to muddy it and to try to take the confidence of the bidders and the general public out of it. It is sad that we see this political stunt and the one-upmanship that is going on within Labor ranks. I strongly oppose the motion.

Members interjecting:

The SPEAKER: Order!

Mr CONLON (Elder): We have heard some nonsense, and we have certainly heard attempts by the other side to shout down speakers in this place today, because they do not want to hear what is being said. Let me quietly tell the House some things that are uncontestable today. First, in February 1998, this Premier came into this place and said that he had had an amazing change of heart, an amazing betrayal of a promise, because of the concerns of the Auditor-General on electricity privatisation.

We had to listen to the Auditor-General. The Auditor-General should be taken so seriously that the Premier would go back on the solemn vows that he made to the people of South Australia prior to the last election. What do we know now from this Premier, this Treasurer and this government? We know that, a little over a week ago, a list of concerns from the Auditor-General was delivered to the Economic and Finance Committee which were so serious (despite the accusations against the Labor Party) that the entire committee unanimously demanded of the government an adequate response.

Let me tell members something else that is uncontestable. To this point in time, the response of the Treasurer has put not one single change in place. Not one single change has been put in place, and the government will not be able to point to one. This government has one more speaker left: that person can do it, if he can find someone he trusts to defend him. What the government will be able to point to is the Treasurer promising that it will all be fixed up when it reissues the bidding rules on 26 November.

We already know that the Auditor-General does not believe that the government will be able to fix it in that period. But for all the talk, all the rhetoric, the only thing that has been done is that we have a received a promise from the Treasurer—a Treasurer in whom we express no confidence, for very good reason. In the Treasurer's response, he tried to imply that he had never heard of these concerns before: this was the Auditor-General's fault; they should have been raised with him before. But we know that, from 27 August onwards, the principal concern that the bidding information was completely inadequate, that we might get the wrong bidder, had been raised repeatedly with ESRU. If ESRU is not talking to the Treasurer, I have even more reason not to have confidence in this bidding process. But the Treasurer is prepared to imply that he has never heard of it before—'but now we will fix it,' on a promise.

Also in the Treasurer's response, in a mealy-mouthed way, he attached an advice to his response that perhaps the Auditor-General did not understand his role and that perhaps he should think about reporting when the process is over in two years' time. Would members opposite not like that? Would they not have loved it if this had not been brought out? The simple truth is this: the Auditor-General raised these concerns over and over and got no satisfaction. If he had not brought his concerns to the Economic and Finance Committee a week ago, no attention would have been given to them to this time. That is how we will treat the Treasurer on this, because that is his track record.

The Hon. D.C. Kotz interjecting:

The SPEAKER: Order! The Minister for Environment and Heritage will remain silent.

Mr CONLON: The attitude of this government to the Auditor-General and his concerns is not one that should be

applied to the public's watchdog. He is treated like a Cadbury selection box: they only pick out the ones they want. They picked out one about a year ago and have decided to leave the box alone since then.

An honourable member: It's a soft centre.

Mr CONLON: It certainly is a soft centre. We have heard from the member for Hart the litany of concerns (none of which has been addressed, I point out) of the Auditor-General. How did they come about? This government spent $60 million—this is why there is a motion of no confidence—on consultants to devise this process. And they will receive more when the sale is done. What could Dean Brown, the Minister for Human Resources, have done with $60 million for hospital beds? It would solve overnight police staffing problems. It would go a long way in our schools. What did the state get for it? Why do we have no confidence?

What we got is a process that is so flawed that the Auditor-General is driven to raise it with a parliamentary committee before it goes completely off the rails. What have we seen this week from the Premier on this matter? The Premier has handballed every question he was asked this week to the Treasurer; the man who was proud of his privatisation a year ago has handballed every question to the Treasurer. And what do we see from the Treasurer? Who is this fellow? No-one ever sees him. He is the Chauncy Gardener of politics. He never actually does anything: he likes to watch. I will give members an example. Who is running the emergency services tax? Robbie Brokenshire. Where is the Treasurer? I tell you what, Robbie, if they offer you the job of looking after the lease, don't take it.

The SPEAKER: Order! The member will refer to members opposite by their electorate, not their Christian name.

Mr CONLON: Through you, Mr Speaker I give the member for Mawson this solemn advice: if they come and offer you a new job in charge of the ETSA lease, do not take it.

What we have seen in my short time in this place, and before that, is a water contract that was seriously flawed; a Motorola deal that never even went to tender, that did not go to—

The SPEAKER: Order!

The Hon. M.K. BRINDAL: Sir, I rise on a point of order: relevance.

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

Mr CONLON: We have seen a Motorola deal that did not even go to tender. Where it did go was to a judicial inquiry, and what we have seen now is an entirely flawed process. This government is very much like the Bourbons: it forgets nothing and it learns nothing.

I would like to rebut some of the things that have been said by the Premier in his, I think, very poor defence of his government and his Treasurer. First, that this is all the ALP trying to scuttle the lease process. I can tell members one thing about the lease process. When we were finally faced, through the sudden affliction of conscience late in life of two Labor members, with the inevitability of this lease, it was the Labor Party which acted to remove from the lease structure a political stunt which would have devalued the lease by up to 10 per cent. We are already in credit on this process by up to as much as $600 million. Members can laugh, but every serious opinion leader in this state knows it. Every serious opinion leader in this state knows that we have already saved the people of South Australia from one of the government's stunts. There is no substance in what has been said, that it is the ALP trying to destroy it. It was the Economic and Finance Committee unanimously that demanded a response to these concerns, and it was the Economic and Finance Committee which, at a loss, voted to release the transcript—not the ALP, the Economic and Finance Committee, its Liberal members being prepared to exercise more responsibility to the state than the Premier and the Treasurer have been.

We are told that we are scaremongering. I simply ask members to read the contribution of the member for Hart in *Hansard*. We are not scaremongering. The government is getting warning signals from the Auditor-General and it is ignoring them. I repeat that, to this point, the government has put in place not one single change as a result of the concerns that have been expressed. This has shown the bona fides of the government in openness. I think it would be a close competition between this and the former Kennett government for secrecy, deceit and duplicity. I am prepared to say that at least members opposite do have a competitor in Australia, but it would be a very close run thing.

We are accused of selectively misquoting the Auditor-General. The Premier today said that the Auditor-General has said that there is nothing that should stop the process. He is prepared to take that completely out of context. If he is prepared to do that, perhaps he is prepared to address the Auditor-General's evidence to the Economic and Finance Committee, where he said that he has severe doubts that it can be fixed before 6 December. That is his evidence. I say to the Premier: do not go back to the selection box again. Quote the lot, and quote him properly.

What we have today, and the reason why we have a motion of no confidence, is that the government has done nothing, and the people of South Australia are still faced, if the Auditor-General is correct, with the possibly that we may get the wrong bid, we may not get the best bid for South Australia's most valuable assets, and then we might get sued for it.

Mr McEWEN (Gordon): 'There is nothing which I believe at this—

Members interjecting:

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

Mr McEWEN: 'There is nothing which I believe at this point in time is not correctable.' They are not my words: they are the words of Ken MacPherson, the Auditor-General, on page 33 of the transcript of the Economic and Finance Committee of 10 November: there is nothing at this point in time that is not correctable. He has also said that the process is not seriously compromised and he has said that he does not seek to disrupt the bidding process. The concerns—

Mr Foley interjecting:

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

Mr McEWEN: The concerns of the Auditor-General can be grouped into three main areas. The first group of concerns relate to the process contract, the probity auditor and the committee structure. The second group of concerns revolve around the expressions of interest (EOIs). The last set of concerns relate to where we move between now and 6 December. I repeat the words of the Auditor-General: there is nothing in that that is not correctable. It was the Auditor-General's view that the process contract for a privatisation such as this has been queried to the extent of the government's liabilities under the contract. In responding, the Treasurer said:

The government has acted on advice from experienced legal advisers and adopted bidding rules as an explicit process contract for the following reasons:

I will not go through them but those reasons are set out at page 20 of the Treasurer's response to the Auditor-General's original request. The matter of the probity auditor has been dealt with. The resources in relation to the probity auditor have been dealt with. The committee structure has been rebutted again. It is the view of the Auditor-General that there may be a preferable process. The Treasurer has stuck to the committee structure, indicating that the one underlying difficulty with a committee structure is that, should some liability accrue to some individual consultants. they may be protected because of the nature of the process.

The view of the Treasurer on legal advice is that that is not the case. Corrections have been made. The process has been modified. Those things are now behind us. The second set of circumstances revolved around the closing of the EOIs. Again, we have documentation that said, 'Yes, a couple of aspects of those closures were a bit loose but nothing of any serious nature. The matters have been dealt with.' The bidders who are moving on have been locked in.

An honourable member interjecting:

Mr McEWEN: It is not true? Members do not have to take my word for it. We have the documentation—

Mr Foley interjecting:

The SPEAKER: Order!

Mr McEWEN: —in relation to the four EOIs that revolved around that closing time. If members want to look at them they can see them all on the record and see what has happened with them since.

Members interjecting:

Mr McEWEN: Can we move on?

Members interjecting:

Mr McEWEN: All of those matters have been corrected, and if members look at page 140 of *Hansard* in another place they will see, chapter and verse, the corrections that have been made. It is a dynamic process. Corrections have been put in place along the way. The challenge now is to meet the final deadline of 6 December and, on this point, time lines are particularly tough. We are yet to see whether those time lines can be met but, again, given enough energy and resources the Auditor-General believes that, at this time, it is still achievable. He has said that at this time he believes it is achievable.

Let us look at the two areas that now need to be finalised by 26 November. On 26 November the bidders need two things: first, the final bidding rules, which is an issue that needs to be tightened up. That needs to be done. A lot of work has to be done between now and 26 November to get them right. The other thing that is needed by 26 November is a matrix template to assess the bids, because we must be comparing apples with apples. Neither of those things is in place yet.

An honourable member interjecting:

Mr McEWEN: Yes, it would have been nice if they were in place sooner but it is a dynamic process. The fact is that they must be in place by 26 November and the Auditor-General needs to be convinced that they are in place by the 26 November.

Mr Foley interjecting:

Mr McEWEN: The Auditor-General has raised some concerns—

Mr Foley interjecting:

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

Mr McEWEN: —about the time line, but he has never said that they will not be in place by 26 November, and therefore he has not said that the closing date of 6 December needs to be extended. He has raised some concerns about the time lines.

Members interjecting:

Mr McEWEN: You do not need to be, and I think that it is probably good that you are not. The supplementary bidding rules that need to be in the final bidding template need to be in place by 26 November, and the methodology for evaluating the final bids, the evaluation matrix, needs to be in place by 26 November. If the Auditor-General is not satisfied that they are both in place by 26 November that will be the first time that we need to consider extending the closing date of 6 December; and it will need to be to the satisfaction of the Auditor-General. So, what have we now done? We have put in place two further mechanisms to achieve that objective.

If members think back to yesterday they might remember that the Premier put in place a mechanism whereby the Auditor-General can make supplementary reports to the Speaker. So that even if the House is not sitting we have now put in place for the first time a mechanism for this objective and, what is more, we have put it in place until the middle of next year. Members might also recall that yesterday we discussed extending it beyond the middle of next year if we needed to. We have put the mechanism in place. The second thing the Auditor-General asked for was an environment within which he could explore the issues with the Treasurer, and that will be put in place this afternoon.

We must put in place a mechanism whereby the Treasurer, the shadow Treasurer and two other members of parliament comprise a parliamentary forum, accountable to this place and not to the government, within which the Auditor-General can share any further concerns that arise between now and 26 November. We have put those two mechanisms in place. What more can we ask at this time? I cannot see that the Auditor-General is asking for any more. He is expressing concerns. The vehicles to address those concerns have been put in place to my satisfaction and, I believe, that of the public at large.

The next time we visit this matter will be if a supplementary report is presented to the Speaker or if that committee raises concerns, because those two templates must be signed off by 26 November. No-one has said that they will not be. Concerns have been raised about the shortage of the time line but, until we get to that point we cannot prejudge that predicament and, if we achieve that deadline, then the final sign-off on bids of 6 December will be okay. If we do not achieve the 26 November deadline the matter will need to be revisited. There is a process to do that and, as I said earlier, members do not need to be here because the two mechanisms are in place for that to happen.

Members interjecting:

The SPEAKER: Order!

Mr McEWEN: In closing, I return to the words of the Auditor-General:

There is nothing which I believe at this point in time is not correctable.

We have dealt now with the original matters of the process contract, the probity audit and the committee structure. We have dealt with the matters relating to the time of the closing of the EOIs. We have not yet dealt with the matters involving the two requirements for the final bid, but what is more we do not need to, and we do not need to until 26 November. On

26 November that matter needs to be satisfied. The shadow Treasurer will be part of that process. We can become part of that process if a supplementary report is taken to the Speaker. We are on a tight deadline. There is no reason at this time, though, to support the motion.

The House divided on the motion:

AYES (20)

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

NOES (24)

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

PAIR(S)

Atkinson, M.J.	Lewis, I. P.

Majority of 4 for the Noes.

Motion thus negatived.

GRIEVANCE DEBATE

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

Ms WHITE (Taylor): Today I want to raise—

The SPEAKER: Order! Would members either resume their seats or leave the chamber. The member for Taylor has the call.

Ms WHITE: I refer to a very timely issue, namely, that tomorrow is the deadline for schools to sign up to the Partnerships 21 project. The issue on which I particularly want to focus today is the minister's handling of the process by which schools decide whether or not to opt in to Partnerships 21. By tomorrow, schools must identify whether they will be in the first round of Partnerships 21 agreements, which begin with the school term next year.

The concern that many of my Labor colleagues and I have about the process to date concerns the divisiveness that has been generated within many school communities. It is interesting that the minister has in some senses contributed to that divisiveness or, at the very least, done very little to avert the divisiveness and bitterness within communities, and that has been very destructive.

After all, this is a project which aims supposedly to enhance partnerships. What seems to be happening in some school communities is bitter, divisive warring among factions, principals, school councils, parent bodies at large and even whole communities, as pointed out by my colleague the member for Giles in relation to one school community in the Far North. Interestingly, the minister has done much to give the impression to communities that school councils will make the decision about whether schools opt in to Partnerships 21. However, according to the minister's chief executive officer, that is not the case.

There has been much inconsistency in terms of what school communities have been told. When you ask principals whom they believe makes the final decision about whether or not a school opts in, the principals tell you that it is the principals. When you ask school councils who makes the decision, school councils think they decide whether or not a school opts in to Partnerships 21. And, if you ask the parents at large, they think that, with a meeting conducted under regulation 90 of the Education Act, they make the decision.

The reason for this difference of opinion is that that is what each of them in various forums have been told. Yet the chief executive of the education department, Mr Geoff Spring, yesterday issued a memo to all school principals, preschool directors, chairpersons of councils and management committees to make clear that it is not the school councils or the parent bodies but the principal who has the final decision making role.

The memo to which I refer is subtitled 'Partnerships 21 and the AEU'. There is a discussion about AEU campaigning with regard to Partnerships 21, but that is not the issue that I wish to discuss today. I refer to the fact that the minister has given this impression, and school councils have been told that they are making this decision, when in fact the chief executive has clearly stated, contrary to the impression that the minister has portrayed in this House and elsewhere continuously since June, that principals will make the final decision.

School communities have erupted in relation to this. Principals, school councils and parent bodies are at odds; it has erupted into huge blues. The minister defended on radio yesterday one of those in the Far North—

Time expired.

The Hon. G.M. GUNN (Stuart): Over the past week we have witnessed a spectacle by the Labor Party in this state of setting out by the most devious means to scuttle and derail the whole process of leasing out of the ETSA assets in this state. Anyone who thinks at all, has watched the tactics employed, has any regard for the welfare of the people of South Australia and wants to see an improvement in services clearly understands that the quicker we can responsibly put this process into operation the better. But the most concerning aspect of this whole escapade has been the very deliberate attempts to unnecessarily draw the Auditor-General into a public controversy. The role of the Auditor-General is far too important to turn each occasion that he comes to speak to the Economic and Finance Committee into some sort of media circus. We have a Labor Party press secretary outside the meeting room hyping up the media. We have the members for Elder and Hart racing in and out of the meeting, ensuring that they are seen walking back in so that the member for Hart can do up his double-breasted suit, dust himself off and look like a turkey gobbler as he struts in each time.

Members interjecting:

The SPEAKER: Order!

The Hon. G.M. GUNN: We could talk about the member for Ross Smith. I am a very charitable fellow by nature and

I would not want in any way to be disparaging towards the honourable gentleman as we have been feeling very sorry for him and have wanted to help him.

Mr Clarke: Don't—I am in enough strife: I don't need your help.

The Hon. G.M. GUNN: I am sure that you could do with it. I have always been able to count on preselection, every time. We have had in the House today the spectacle of the failed branch stacker, the member for Elder, who got to his feet, worked himself up into a lather and went 'pop' like a balloon at a kid's party. What else do we get from him? Here we have the heavyweight lawyer, the branch stacker, the ex-union heavy, the man who can suddenly get 2000 branch members on one day.

An honourable member: From the dead.

The Hon. G.M. GUNN: From the dead; he even got into the cemetery. He has been to Coober Pedy and to Marree. He does not know who they are, of course. Yet today what do we get from him? Absolutely nothing! There was one person today who absolutely revelled in what took place: the member for Kaurna. We could see the smile of satisfaction on his face. He actually left the building, walked around and came in through the lobby so the television cameras could get a full frontal of him and so that he could appear tonight as the leader in waiting. There he was, because the member for Hart had muffed his lines today. It has been an interesting week.

We have had this whole build-up and attempt to unreasonably and unfairly draw in the Auditor-General and misrepresent the good intentions of the Auditor-General and make his role very difficult. That should never be the role of this Parliament. We should be there to hear what the Auditor-General has said in a courteous and dignified manner and not turn it into some sort of media circus which, to put it mildly, is less than dignified.

I refer to two other matters. I was interested to hear on the radio this morning the member for Whyalla—

Ms Breuer: Giles.

Mr Clarke: He always was 10 years behind.

The Hon. G.M. GUNN: I have been here a lot longer than the honourable member and I can come back here if I want to. There is nothing the honourable member can do about it.

Mr Clarke: We'll see.

The Hon. G.M. GUNN: We will see, all right. I look forward to the challenge. I am very thankful for the words that have come from the members for Hart and Kaurna.

Mr FOLEY: On a point of order, Sir, the member for Stuart has impugned improper motives on my behalf with references—

Members interjecting:

The SPEAKER: Order! The members on my right will be silent. I want to hear this point of order.

Mr FOLEY: The point of order is simply this: the member has indicated that I have in some way attempted to manipulate the Auditor-General, I think, to paraphrase his words. I am happy about the turkey gobbler bit—I can handle that abuse and the double-breasted suit bit, but I take offence to suggestions that I have manipulated the Auditor-General and I ask and request that you, Sir, instruct him to apologise.

The SPEAKER: The chair would have some difficulty upholding the point of order as I am unsure what was said from time to time.

Mr Clarke: Join the other 46.

The SPEAKER: Order! The member for Stuart's time has expired. I can give the honourable member the opportunity to apologise if he has impugned improper motives. Otherwise, to do it normally it has to be done by substantive motion.

The Hon. G.M. GUNN: Mr Speaker, can I take a point of order?

The SPEAKER: No, you can't. If you wish to apologise I give you the opportunity to apologise; otherwise we will move on to the next speaker.

The Hon. G.M. GUNN: If I in any way reflected on the member for Hart, who I know is such a sensitive member, cannot bare any criticism and is so thin skinned, I would do it humbly and not want in any way to upset him or his family because we know of the sensitivity of the honourable member. He is not a big boy. He cannot get into the real world of politics. He does not like a bit handed out to him and I withdraw.

The SPEAKER: Order! You are now going past the purpose of what you were supposed to be saying.

Ms BREUER (Giles): We will look forward in future to hearing from the member for Stuart about my comments on radio this morning. I will speak about a very serious situation that has developed in a remote community in my electorate. I will speak on this issue today as it is the last day of this session.

Members interjecting:

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

Ms BREUER: From this community a number of parents have rung me in the past fortnight because they have concerns for their children. These children have been sexually abused on an ongoing basis by a perpetrator in their community. One four year old boy was raped, a six year old girl was given specific instructions on how to masturbate with a vacuum cleaner and other children have been taught totally inappropriate behaviour, had sexual suggestions made to them and have been interfered with. The parents are afraid and have reported their concerns to FAYS, but no action has been taken. The reason for this is that the perpetrator is an eight year old girl.

I have been a long time supporter of FAYS and appreciate the role it plays, but I am concerned by this situation. Why has not anything been done? Is it a lack of resources on its part, is it because of cuts in funding or is there a real hitch in our laws that we are not able to deal with a situation like this? This is not normal child experimentation, as some of the parents have been told. This child needs help. The detail given to me indicates that this child has sexual knowledge and perhaps experience way beyond her years. Who is looking after this child's interests and why has there not been an investigation? Why has this child not been helped? Parents from the community rightly feel very upset and feel that no-one has listened to their stories. It is a very serious situation and I will be seeking responses from the minister and the department as to why this situation has been allowed to continue.

The second matter I refer to today is much more cheerful. Some weeks ago I had the pleasure of congratulating Spencer Institute of TAFE on winning the South Australian training provider of the year and again today I am delighted to be able to congratulate it on the joint winning of the national training provider of the year—a truly prestigious award and very much deserved by Spencer Institute. Unfortunately, time this morning did not allow my motion of congratulation to go through from this House, but I am sure that the members for Flinders, Stuart, Goyder and Frome will also join me in

congratulating Spencer Institute, which covers all our electorates.

The 1999 Australian training awards recognise and reward best practice, excellent and outstanding achievement in vocational education and training. The Spencer Institute offers one of the most versatile, innovative and multicultural vocational education and training environments in Australia and it encompasses over 85 per cent of our state. It has 17 campuses, 22 study centres and serves a client base of more than 60 ethnic groups, and it has some 11 000 students per year. I am very aware of the special difficulties Spencer staff have in covering this vast part of the state which is their responsibility and of the additional stress through distances travelled as part of the life of a Spencer employee. I pay tribute to them for their extra work in this regard.

I must discuss my concern regarding funding cuts to TAFE in South Australia, and in particular Spencer Institute, which is receiving a very large proportion of these cuts—and I refer to questions asked in another place yesterday by the Hon. T.G. Roberts. Here we have an institute of national first-class standard that is being forced to cut programs, resources and flexibility through the short-sighted economic push by this government. Thousands of potential and current students in regional South Australia will suffer as a result of this and will not be able to access the education every Australian deserves, regardless of their colour, creed or location.

Distance education and education in remote areas cannot be done cheaply. The costs are far more than a metropolitan campus, but this should not be rationalised—every person is entitled to an education. Bringing in cheap private providers is not the answer: it will not work in remote South Australia. Costs that are seemingly incidental impact on a remote campus. For example, an air fare for Coober Pedy lecturers to attend a workshop or meeting in Adelaide costs over nearly $600. I urge the minister to take this into account and acknowledge that we have a world standard education provider: please allow them to do their job.

Again, I have great pleasure in congratulating all staff at Spencer Institute and all those who contributed in this very prestigious award and showed the rest of the state that we can do it in the bush—we are good, yes!

Time expired.

Mr HAMILTON-SMITH (Waite): I rise to speak about a matter which concerns all Australians and all South Australians; that is, the recent increase in the number of boat people and economic and political refugees landing on our shores to the north. I was reminded of the vital importance of this concern to South Australians by the recent announcement that refugees would be located in South Australia in a camp at Woomera, and I expect that, in future years, we will have more refugees located in South Australia. I am also concerned because of the historical linkage between South Australia and the Northern Territory and the north and the vital part that South Australia will play in respect of any events that occur in the north in the future, given the railway line and other economic and social connections that we have with our northern neighbours.

I believe that we need a tougher response to illegal immigration. We need a bit of nation building vision to develop the north of Australia. In calling for this vision, I am again raising concerns I voiced which were published in the *Advertiser* in January 1998: that Australia faces an even greater influx of economic and political refugees as each year ticks by. At the time, a number of people were surprised by my remarks and others did not take them seriously. Since then, we have doubled the readiness of the Army; we have become involved in a conflict in Timor; we have seen our region slide into further chaos; and we have had the greatest influx of refugees in modern times. Just about everything I predicted in January 1998 has indeed come upon us.

The political and economic turmoil of recent times in Indonesia particularly, but elsewhere as well, may well, in my view, lead not to tens of thousands but hundreds of thousands of refugees heading south. We have seen it happen in Kosovo, Rwanda and many other countries. To believe that we can divorce ourselves from the massive population shifts associated with conflict and chaos is to act as fools. If one tenth of 1 per cent of the Indonesian population were to become refugees as a consequence of conflict, civil war, ethnic cleansing, or whatever, on a scale that we saw in Indonesia in 1966, we could see 200 000 people or more fleeing Indonesia's shores.

This is not so much a military problem for us as it is a diplomatic and moral dilemma. We can be as outraged as we like but, if tens of thousands of refugees arrive and the country from which they have come cannot or will not have them back, then what do we do? A hostile regime or political instability could further facilitate the swift passage of refugees through Indonesia to northern Australia. It is interesting that it is in recent times since the conflict there that the number of people has rapidly increased. I ask whether, during any future period of strained relations, interest in Indonesia might not encourage rather than resist the movement of refugees into our region. Boat people are queue jumpers. They are jumping ahead of legitimate refugees and immigrants who seek to come here but, if they arrive, we have a problem.

As I have mentioned, we need a tougher approach to returning illegal immigrants where we can, but we also need to demonstrate to the world that we have a proactive immigration policy. If we look at northern Australia with European eyes, we see limited possibilities; but, if we look at it with the eyes of a refugee from an undeveloped country, we see nothing but opportunity. The best way to defend the north is to get people to live there and, in so doing, create the means to protect it.

The question is not whether we will have more immigrants but whether we seek to control the situation. It we do nothing, immigrants will come whether or not we like it. Far more needs to be spent on defence, coastal surveillance and protection, but we also need to win the diplomatic and moral argument if we are to send refugees back. We must demonstrate to the world that we are developing our country. How else can we justify repatriating political and economic refugees—sending them back—if we are not demonstrably doing all we can to make the most of the many riches we enjoy in this land? In conclusion, I say that this is a matter on which the attention of this House and, indeed, all Australians will need to focus.

Time expired.

Mr HANNA (Mitchell): I rise to speak about the Woodend tavern issue and, in doing so, I want to express my disappointment and reflect the disappointment of members of the Woodend community in Sheidow Park at the government's handling of the private member's bill which I introduced in this place. There is widespread community opposition to this development and, as a consequence of that, I introduced a bill which not only has general application for

the sake of mums and dads and their school children all around South Australia but is particularly relevant to the development application involving the site next to the Woodend Primary School. The bill was the one sure-fire way of stopping that development taking place.

Having introduced the bill in this place on 21 October 1999, I have constantly pressured the government to respond to the measure. I have had plenty of assurances of in principle support, yet the government has chosen not to support it in this place up to this point. Of course, this was a bill where the timing was crucial and, in a move which we have not seen in this parliament for well over a decade, the government is adjourning over the summer break for a period of four months. Therefore, this bill, which is so crucial and timely, will be delayed for four months before the government properly responds to it.

I feel that I have been strung along by government ministers. I will make an exception to that and speak highly of the Minister for Education, Malcolm Buckby, who has discussed with me the education department's plans for the Woodend Primary School to expand into the building which is the subject of the tavern development application. I appreciate his frankness, and I hope that genuine exploration of the site for an expanded Woodend Primary School is taking place. I have not completely lost faith with the government, and I hope that those genuine negotiations are taking place.

However, it is becoming apparent that party politics has entered into the government's consideration of the bill which I brought to parliament. It seems that, although the government is committed to stopping the tavern development, the last thing it will do is support the bill that I have introduced. I can only assume that it is purely because the government is Liberal and I am Labor. The government expects that the local council—the Marion council—will resolve the problem. Indeed, I have faith in the commonsense and community concerns of the councillors who sit upon the planning approval committee, and I trust that they will make a decision in accordance with the community's genuine and reasonable concerns.

There is also the Liquor Licensing Commission. However, as I have pointed out to people before, the planning rules for hotel licences in this state are relatively relaxed and, at this stage, I have been saying to the community that the best chance of defeating the tavern proposal is through the council planning process. However, I am glad that I introduced the bill because I believe it has spurred the government to action. The challenge remains with the government. If it is not going to support my bill, it will have to come up with something better. There was talk of amendments to my bill or that another piece of legislation would be brought by the government into this place but so far, although there has been a lot of general talk, I have seen absolutely nothing which would solve the community's problem in terms of government legislation.

As I say, the challenge is with the government now. If it is not going to solve this problem by means of the private member's bill that I introduced, it must solve it in some other way. It will be on its head if the other processes to which I have referred do not result in a good outcome for the community.

I pay a tribute to the many hundreds of local residents who have supported the campaign to stop the tavern development. Obviously there are too many people to mention, but I will name a few people who have put in extra hard work for the sake of their children and their community. I recognise the efforts of Phil and Joe, Merv and Pam, and Christine and John. I also think of Scott and David, who have really worked hard to encourage their fellow residents to stand up and be counted in the political process. I also recognise Jane and Richard, who have kept alive the Woodend Residents Association in a period when there was not widespread resident interest in the group, and I am pleased to see that group reviving. If local Woodend residents want to know more about that group, they are welcome to contact my office. I will be happy to help in furthering the efforts of that group.

Finally, I urge all members, one way or another, to reflect the community's concerns in relation to the Woodend tavern proposal and stop it from taking place. It would be a rotten development in terms of planning considerations for the Woodend community.

Mr SCALZI (Hartley): Today I bring to the attention of the House the very successful annual general meeting of the Multicultural Communities Council (MCC) which was held in my electorate last evening at the Payneham Town Hall. That was made possible by His Worship the Mayor, Laurie Fioravanti, of the newly amalgamated Council of Norwood Payneham & St Peters. I was honoured to represent the Premier of South Australia (Hon. John Olsen), and to read out his message congratulating the MCC for its work throughout the year.

There were many guests at the AGM, and I will go through a few of those names to show the importance of the occasion. There were two guest speakers, the Hon. Dean Brown, Minister for Human Services, and Ms Leah Stevens, shadow human services minister. Other guests who attended included the Hon. Carmel Zollo, Senator Chris Schacht and Vini Ciccarello, the member for Norwood. Members of the judiciary who attended were Justice Kemeri Murray and Mr John Kiosoglous, senior member of the Administrative Appeals Tribunal. The Consul-General of Greece, Mr Elias Maltezos, attended as did the Ombudsman, Eugene Biganovsky, and Warren Flavel, representing the Commonwealth Ombudsman's Office.

Representatives from the universities were present, as was Ms Joan Russell, representing the Commissioner of Police (Mal Hyde). Other distinguished guests were Mr James Davidson; Ms Mary Kosiak, Area Manager for Centrelink; Mr Glenn Smith, State Director of the Department of Immigration and Multicultural Affairs; Mr Basil Taliangis, Chairman of South Australian Multicultural and Ethnic Affairs Commission; Dr Sev Odowski, Chief Executive, Office of Multicultural and International Affairs; and Mr Claude Bruno, Chief Executive Officer, Independent Living Centre. Many other organisations were also represented.

I commend the Multicultural Communities Council for the work it does. It represents over 200 bodies and individuals, including multicultural youth. The master of ceremonies was Jodie Shluter, who should be congratulated on the way in which she undertook that important responsibility last night.

Why was last night's AGM so special? The Multicultural Communities Council is a peak body representing ethnic community interests in this state. Established in 1995 as a result of the merger of the former Ethnic Communities Council (EEC) and the United Ethnic Communities (UEC), the MCC has affiliated membership of over 200 organisations and individuals. Its constituency base continues to grow as

new applications are received. It is totally committed to the principles which underpin our Australian democratic society and its institutions.

Last night it was fitting that the meeting was opened by Lewis O'Brien, who welcomed us to Kaurna country, the indigenous name of the area. We also had cultural entertainment, music and dancing from the Scottish, Chinese, African and Salvadorian communities. I believe it was a true representation of what multicultural Australia is all about, and I congratulate the President, Michael Schulz AM, on his renomination and election as President of this very important body. I also commend Dr Antonio Cocchiaro, the Multicultural Communities Council's first Vice President, and all the members of the committee for the work that they do.

The council has made strong links with the government, and last night the link between the MCC and the Department of Human Services was very much evident and discussed. The MCC is making links with all sectors of government, and it is felt that there should be representation on all government bodies. The government is aware of that, as it is aware of the MCC's concerns over youth funding. I am sure that the government is listening and will continue to appreciate the contribution of the Multicultural Communities Council.

Time expired.

MINING (ROYALTY) AMENDMENT BILL

The Hon. R.G. KERIN (Deputy Premier) obtained leave and introduced a bill for an act to amend the Mining Act 1971. Read a first time.

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

That this bill be now read a second time.

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

Leave granted.

This bill seeks to amend legislation associated with the assessment of royalties on minerals recovered for sale under Section 17 of the *Mining Act 1971* and the payment of these royalties to the Crown.

These amendments will result in a fairer means of assessing the royalty on value-added products and a more equitable assessment of royalty by, not including in the royalty calculation, the costs of handling and transportation of the minerals to the point of sale.

At present, the legislation requires that all royalties under the Act shall be assessed at 2.5 percent of the value of the minerals. This applies to all minerals produced, regardless of the degree of processing that may occur after the minerals have been mined. Thus the current regime penalises the miner who carries out additional processing on the mine site, as the fixed rate of 2.5 percent will then apply to a value added product, resulting in a higher royalty obligation. This discourages the further processing of minerals on site and encourages the establishment of processing either further afield, often adding to production costs, or offshore, resulting in the loss of potential value adding industries and the associated employment.

The introduction of a range of royalty rates, as per these amendments, from 1.5 percent to 2.5 percent will provide the Minister with the flexibility to determine a more appropriate rate where such developments occur.

Present legislation, which describes the point at which the assessment of the value of the minerals for royalty purposes should occur, that is Section 17(4) of the *Mining Act*, is confusing and is often misinterpreted by industry.

It is also inequitable in that it purports to assess royalty on a delivered value of a commodity, which includes handling and freight costs downstream from the mine location.

In order to overcome these problems, it is proposed to amend this provision such that royalty is assessed on the value of the minerals at the mine gate.

The value at the mine gate is clearly defined in the proposed amendments and does not include any handling or transportation costs associated with delivering the minerals to a purchaser.

The other proposed amendments contained in this Bill, involve the introduction of penalties for late or non-payment of royalties and the late lodgement of six monthly mining returns. Present legislation in this area is cumbersome and ineffective and is in urgent need of up-grading in the interests of efficiency and good business practice. The proposed amendments will also ensure the finalisation of the State's mineral production statistics within reasonable time-lines.

The amendments contained in this Bill have the support of the mining industry and the other agencies contacted and will play an important role in our aim to be both nationally and globally competitive in attracting exploration and mining investment to South Australia.

I commend passage of this Bill to the parliament.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The measure will be brought into operation by proclamation.

Clause 3: Amendment of s. 17—Royalty

Various amendments are to be made to section 17 of the Act. Royalty will now be assessed as a percentage of the value of the relevant minerals at the mine gate. The Minister will be able to fix the relevant percentage between a value of 1.5 per cent and 2.5 per cent (inclusive). The value at the mine gate will be a value which, in the opinion of the Minister, fairly represents the amount that could reasonably be expected on the sale of the minerals at the time that the minerals leave the area of the relevant tenement or private mine (as the case may be). A penalty will now be payable if royalty remains unpaid for more than three months after the day on which the royalty falls due. The section will expressly provide for when royalty will be taken to fall due under an arrangement that is consistent with the scheme for the provision of returns under section 76 of the Act and existing practice.

Clause 4: Amendment of s. 76—Returns

An expiation fee will be able to be imposed under section 76 of the Act if a return is not furnished to the Director of Mines in accordance with the requirements of the section. If a failure continues, it will be an offence in respect of each month for which the failure continues.

Ms HURLEY secured the adjournment of the debate.

STATUTES REPEAL (MINISTER FOR PRIMARY INDUSTRIES, NATURAL RESOURCES AND REGIONAL DEVELOPMENT PORTFOLIO) BILL

The Hon. R.G. KERIN (Deputy Premier) obtained leave and introduced a bill for an act to repeal the Agricultural Holdings Act 1891, the Dairy Industry Assistance (Special Provisions) Act 1978, the Fruit and Vegetables (Grading) Act 1934, the Garden Produce (Regulation of Delivery) Act 1967, the Margarine Act 1939, the Marginal Dairy Farms (Agreement) Act 1971, the Rural Industry Adjustment (Ratification of Agreement) Act 1990, the Rural Industry Assistance Act 1985, and the Rural Industry Assistance (Ratification of Agreement) Act 1985. Read a first time.

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

That this bill be now read a second time.

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

Leave granted.

The objective of this bill is to repeal nine Acts on agricultural issues, ranging from tenancy rights to horticultural grading standards, margarine manufacture and rural adjustment schemes.

The decision to repeal these Acts has been taken after consultation with 16 relevant industry groups or commercial organisations. These included the South Australian Farmers Federation, the SA Chamber of Fruit and Vegetable Industries and companies such as Unilever Foods, Coles and Woolworths. Responses to the public discussion paper indicated (with the exception of two respondents) very strong support for repeal of the nine Acts

The Acts will now be examined in alphabetical order of title.

The Agricultural Holdings Act 1891

The Act applies to freehold land used for primary production. It aims to protect the tenants of farming land in two ways-

- Part 2 deals with the right of tenants who have ended their tenancy to receive compensation for any improvements they made to the landlord's property;
- Part 3 of the Act gives tenants the right to sell the tenancy.

This Act is no longer relevant. The *Landlord and Tenant Act 1936* (*see section 64*) gives tenants the right to assign a tenancy to another party, similar to the right provided by Part 3 described above and, generally, the matters provided for in the *Agricultural Holdings Act* can be covered in a written lease or sharefarming agreement between landlord and tenant.

Dairy Industry Assistance (Special Provisions) Act 1978

This Act was one of several initiatives launched nationwide in the 1970s to 'facilitate provision of financial assistance to certain sections of the dairy industry and for other purposes'. Similar Acts providing for the beef and fruitgrowing industries (*see the Beef Industry Assistance Act 1975 and the Fruitgrowing Industry (Assistance Act) 1972*) have already been repealed.

Commonwealth money was to be used for grants to 'proclaimed' dairy producers and dairy factories. However, this particular scheme did not progress and the Act was never made operative.

Fruit and Vegetables (Grading) Act 1934

This Act provides for the making of regulations to fix grade standards for fresh produce and nursery stock sold in South Australia. The sale of these is prohibited where they are not graded in accordance with the regulations or the grade is incorrectly marked on any package or lot of product. Standards may be fixed in the regulations by reference to one or more of dimensions, shape, weight, flavour, maturity, ripeness, decay or any other attribute. Regulations for potatoes, tomatoes and the more common fruits were established in the 1930s and reviewed in 1961, but became moribund with the lapsing of the regulations on 1 January 1990. Departmental officers cannot recall an actual or practical demand for the Act in the last 15 years.

Industry is now focused on the adoption of ISO standards, or variations of these, as criteria for grower/merchant/retailer dealings in fresh product. This is a clear example of industry self-regulation (as opposed to statutory rules) which Governments collectively have been promoting for some time.

Despite this situation, two grower-based respondents to the discussion paper suggested that, although industry self-regulation is well under way, the retention of the Act may be necessary to deter a minority who persist in supplying fruit of poor maturity standard. The proposition was not accepted for the reasons already given, but Government assistance in developing dispute resolution processes was offered. To date, the offer has not been taken up.

Garden Produce (Regulation of Delivery) Act 1967

The object of this Act is to control the times at which deliveries of fresh produce may be made to wholesale purchasers. Parliament's second reading of the Act on 14 March 1967 reveals that the measure was prompted by conditions at the East End Market. It was said that disorder at the East End was increasing because wholesalers just outside the market precinct were commencing business earlier than official market hours.

An industry proposal to invoke the Act in terms of the Pooraka complex was launched in 1988 but nothing eventuated. On 1 January 1990, the regulations under the Act, which had no effect on the Pooraka trading hours, were allowed to lapse.

Margarine Act 1939

The purpose of this Act is to regulate the manufacture and sale of margarine in South Australia. Principal features of the Act are-

- the licensing of margarine manufacturers;
- the declaration of 'table' and 'non-table' margarine;
- inspection of premises and product/product constituents;
- testing of product for compliance with the Act or regulations (quality aspects).

Time, technology and consumer preference have changed things to the point where the Act no longer has application. In particular, the licensing provisions of the Act have not been enforced for a considerable time and matters of product quality now rest under the Food Standards Code.

Marginal Dairy Farms (Agreement) Act 1971

This Act ratified a national agreement to extend the Marginal Dairy Farms Reconstruction Scheme. The extended scheme aimed to alleviate a serious low income problem amongst producers of whole milk or cream for manufacturing purposes. A total of $25 million in Commonwealth funds was allocated to the States for—

- voluntary disposal of land at fair market value if there was insufficient potential for viability (when income was based on sales of the above product);
- acquisition by others of that land, for the build-up of dairy farms into economic units or purposes such as forestry;
- improvements to farm buildings, the purchase of livestock or to offset the costs of working the land during the development period;
- changeovers to refrigerated milk delivery.

The Marginal Dairy Farms Reconstruction Scheme has ceased and all financial issues, including the repayment of loans by producers, have been settled.

Rural Industry Adjustment (Ratification of Agreement) Act 1990

Aspects of the continuing rationalisation of the rural adjustment process are described earlier in this report. The situation, in fact, is now at the stage where just two avenues of rural adjustment, and indeed development, are on offer.

In South Australia, there is the *Rural Industry Adjustment and Development Act 1985*. Under this legislation, surplus funds from previous schemes may be used for loans or grants for specified purposes that enhance farming.

At Commonwealth level, there is the *Rural Adjustment Scheme Act 1992* (administered by the States as agents) and the associated 'Triple A' scheme.

It was the practice for the schemes replaced by the above to be expressed in agreements between the Commonwealth and the States. It also was the practice in South Australia to ratify those agreements by Acts.

The arrangements provided for under the *Rural Industry Adjustment (Ratification of Agreement) Act 1990* have now been superseded and the Act can be repealed.

Rural Industry Assistance Act 1985

This short Act did three things—

- it maintained the agreements on rural adjustment ('reconstruction') between the Commonwealth and States, signed on 4 June 1971 and 1 January 1977 'and any subsequent agreements';
- in the process, it repealed various Acts of those years;
- it enabled the issuing of Ministerial protection certificates with respect to applicants with prospects of assistance under the Act.

These arrangements are no longer applicable and the Act can be repealed.

Rural Industry Assistance (Ratification of Agreement) Act 1985

This Act operated in tandem with the above and ratified the agreement of 1 July 1985 between the Commonwealth and States for assistance, in the forms of debt reconstruction, farm build-up, farm improvement, carry-on finance, household support and rehabilitation. Section 5 of the Act makes the relevant cross-reference to the *Rural Industry Assistance Act 1985*. This Act has also been superseded and it is appropriate that it be repealed.

I commend this Bill to the House.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Repeal of certain Acts

This clause provides for the repeal of the following Acts:

- the *Agricultural Holdings Act 1891*;
- the *Dairy Industry Assistance (Special Provisions) Act 1978*;
- the *Fruit and Vegetables (Grading) Act 1934*;
- the *Garden Produce (Regulation of Delivery) Act 1967*;
- the *Margarine Act 1939*;
- the *Marginal Dairy Farms (Agreement) Act 1971*;
- the *Rural Industry Adjustment (Ratification of Agreement) Act 1990*;
- the *Rural Industry Assistance Act 1985*;
- the *Rural Industry Assistance (Ratification of Agreement) Act 1985*.

Ms HURLEY secured the adjournment of the debate.

BARLEY MARKETING (MISCELLANEOUS No. 2) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 November. Page 513.)

Ms HURLEY (Deputy Leader of the Opposition): This bill became necessary as a result of the deregulation of domestic barley markets, which we saw in May this year, and the restructure of the Australian Barley Board into the grower owned companies ABB Grain Ltd and ABB Grain Export Ltd. The Barley Marketing (Miscellaneous) Amendment Bill 1999, which dealt with deregulation, made no reference to the provision in the Barley Marketing 1993 which prohibited an authorised receiver, without written approval of the board, from having a direct or indirect interest in a business involving the buying or selling of barley. This clause was required to be removed in order that South Australian Cooperative Bulk Handling Ltd be allowed to trade barley on the domestic market and for some niche export markets in the 1999-2000 crop season.

During debate earlier this year, the opposition received a letter from the South Australian Farmers Federation Grains Council, which stated, in relation to this:

> With reference to the provision of authorised receiver, the Grains Council supports progress of the legislation through parliament proceeding without interruption. Whilst it is agreed that the legislation should continue, the matter of 'authorised receiver' requires deliberation shortly thereafter to ensure that the South Australian Cooperative Bulk Handling Ltd not be restricted from participating in the 1999-2000 trading season. The Grains Council considers the reference to the authorised receiver was an oversight in preparing the legislation and is no longer relevant.

Colleagues of mine in the other place raised this issue, and the response by the Attorney-General was that the Deputy Premier proposed to amend the Barley Marketing Act after the Australian Barley Board has been restructured into grower-owned companies on 1 July 1999, and the resulting equity has been distributed to growers before the harvest of the 1999-2000 crop begins, which is expected in October 1999. Amending the act in this way will avoid disruption to restructure and equity distribution processes that are to take place as of 1 July 1999 and will implement changes in the legislation in time for South Australian Cooperative Bulk Handling to be able to trade barley on the domestic market and for the niche export markets in the 1999-2000 crop season.

Although this is virtually the death knock for getting this legislation through the parliament in order for that to happen, the opposition is prepared to support this move at late notice in order that that promise by the government be fulfilled to the Australian Farmers Federation Grains Council and to assist SACBH in the 1999-2000 season. This bill amends section 35 of the Barley Marketing Bill 1993 by removing the restriction under which an authorised receiver cannot have a direct or indirect interest in a business which involves the buying or selling of barley. We are pleased that the oversight from the earlier amendment bill will be rectified in this current bill and are prepared to cooperate with the government in this instance to see that occur.

Mr VENNING (Schubert): I rise to support this bill, as one would expect, and I declare my interest in it as a barley grower, as are many of my constituents. I understand this bill is meant to correct a couple of anomalies that came out of legislation introduced early in the year. One was that South Australian Cooperative Bulk Handling was technically not allowed to trade in barley. It was allowed to trade in wheat and other grains but not barley. So that had to be corrected. The second anomaly involves a debate in Western Australia as to whether registered plant breeders can trade outside the single desk. Presently, they are not allowed to do that because they say that seed is not grain, and grain is not seed. I found that rather amusing, but there is no other way to put it as a matter of fact. This legislation ensures that the Australian Barley Board can export barley, but it can do so only without violating the rights of the registered breeders.

This may seem a little quirky, but the anomaly needs ironing out, and this bill no doubt does that. I would like to take this opportunity, as I have done on a number of previous occasions, to speak about the policies that affect the future of the single desk for the marketing and export of barley. At present, the single desk is to continue under its present format until 30 June 2001, which is about 18 months away, which is not that long. The industry will not be prepared for full deregulation in that time frame. Some very senior people in the industry say that they would like the current arrangements to continue to at least 2004.

The Australian Barley Board has come a long way over recent years, being privatised into two separate grower owned companies, that is, the Australian Barley Board Grain Ltd and the Australian Barley Board Grain Export Ltd. However, continued further changes must be made in manageable incremental steps. To deregulate in 18 months would not allow enough time for the industry to be in a strong, strategic position to cope with competitive pressure. The big traders will come in and divide and conquer. Who will suffer? We all know it will not be the traders. It will not be the buyers, but the vendors, the farmers, who are battling to sell their product on the market. There are plenty of cowboys in the world markets. We all know that; there are lots of cowboys. We will see the same situation we had less than 50 years ago where you took what you could to get on the way you delivered your grain to the stacks. You did not know what price to expect or whether the payments would be honoured.

It was a free-for-all, and some very unscrupulous characters benefited from their dishonest conduct. We do not want to go back to those days of just being price takers—and price takers of last resort. I know of instances where farmers lost almost all their harvest proceeds due to grain merchants going broke before payments were made. It reached the point where court action was taken and, from that, the united farmers bodies evolved into what we have today: the South Australian Grains Council and the parent body, the South Australian Farmers Federation. I know (and so would the minister) how only a few years ago buyers, particularly of peas, went bad on the growers and left them thousands of dollars out of pocket. When a buyer goes down, there is little that the growers can do. All they can hope for is part payment for what they have delivered. There is no guarantee, and it has involved a great risk.

Our single desk has served us very well for many years. I know that deregulation will come—it has come, in many areas—and that we operate in a world market. But the farmers need some guarantees and safeguards, particularly when they come to sell their hard earned produce, and they also need to know that they are operating somewhere close to a level playing field. I know that we will never see a true level playing field: the United States and the European Union will never stop subsidising their farmers. But, in our own case, we do need one united institution, and a single desk has worked well.

I ask the House to consider the plight of some of our farmers, particularly after hearing a comment yesterday on ABC radio about the farmers in Orroroo, an area that the Deputy Premier would know well. The farmers at Orroroo have had one good year in the last five. The yields, at best,

have only been average in a good year and, with the commodity prices the way they are, how do we expect these people to be able to make a living? I would like to think that it is not the result of deregulation but I have to say that I do not believe that deregulation has helped. In the old days of fixed prices, I am sure that the Australian Wheat Board and the Australian Barley Board would not have allowed the prices to sink so low. Those farmers who do not have the market expertise or who do not have the time to spend hours on their telephone during the harvest become price takers.

Mr Hanna: I thought you were a Liberal.

Mr VENNING: I have been accused of being an agrarian socialist, but you can call me what you like. I know a system that works and, from what our fathers told us, I know what we used to have, and the minister is in a particularly good position to know, because he has personal expertise in this area, having worked for the Australian Barley Board. Certainly, we have come from a very good system, and one could ask: who drove the change? It was not the growers, so why did we change? That is a very good question. The market is being driven by outside forces, and I am a bit negative about it. I was never in favour of deregulation, and I think that we may now be seeing the result of it; that is, continuing poor prices. In particular, those farmers who operate in what one could call marginal areas are themselves now marginalised to the extent that they are basically insolvent.

It was pretty sad to hear on the radio yesterday that six farms will be on the market in the Orroroo district between now and the start of the next season. It has been an excellent grain growing area for many years. Both the minister and I know many fine families who have been there for several generations, and it is sad to see this sort of thing happen. I just wonder where we have come in this industry and where we are going.

Another matter I would like to raise is our relationship with Victoria as our chief partner in the Australian Barley Board and the single desk. It took a lot of work to get the previous Premier, Jeff Kennett, to agree to the June 2001 time slot. I am not quite sure what Steve Bracks has in mind. Our two colleagues opposite might be able to do some work on that for us. If he is half smart (and I believe that he is), he would have learnt a lot of valuable lessons through the demise of the previous Premier, and he will listen to his farming constituents and the Australian Barley Board and be guided accordingly.

Mr Hanna interjecting:

Mr VENNING: Thank you. I believe that the June 2001 time slot should not be rigidly adhered to, depending on the events between now and then.

This year is the 60th anniversary of the Australian Barley Board, and I believe it has published a book setting out the history of the organisation to help celebrate that milestone. The barley industry has undergone tremendous change over recent years. I know that it will continue to change in the years ahead, and all I can say to the people interested is: listen to the growers and take caution regarding any action that may be contemplated, in order to protect this vital state industry.

Barley has been a very important industry to this state, particularly the Yorke Peninsula and the Mid North, and it is pretty sad to see the prices vary so much within a few weeks. We sowed barley this year, I have to say, purely because we ran out of time on some land that we had to respray for ryegrass. We had to sow feed barley. The price has gone from $60, when we sowed it, to $145. Certainly, I regret not sowing more at the time. With these volatile prices, and feed barley now worth more than feed wheat, how can one predict the market; how can one forecast? How can bankers legitimately go out and lend money against an income for the year? I am pretty pleased that that has happened, because an initial mistake turned out to be positive in this instance, and I hope that many other farmers were also able to benefit.

Barley can turn very quickly. Feed barley is an essential part of our economy, because all our feed lots use feed barley. It has been a very low price; $55 to $60 a tonne is way below the cost of production. Those who last year kept it in the silo would have paid handsomely for that storage. The motto in all this is to have confidence in the barley industry, because it will always turn. If prices are low, people should have the capacity to store, because the situation will come around. I am sure that the member for Light, as a former farmer, would know what I am talking about. I was recently told that, if we could get the Chinese to drink one extra stubbie, while putting on a pair of woollen socks and buttering a piece of bread, every Australian farmer would have half a dozen Ferraris in his shed.

Members interjecting:

Mr VENNING: But they would not, I know, because most of our farmers are more realistic than that. But that is how it stacks up financially: if every Chinese did every one of those three things—particularly if they drank the stubbie—it certainly would help our barley industry. I know that the Chinese economy is continuing to improve, and they do very much appreciate the quality of our products.

I believe that we have seen legislation over the years—both in this House and in Canberra—involving the operation of the Australian Barley Board and the Australian Wheat Board that has not proven to be beneficial to our industry. As I said earlier, I believe that the initial wheat deregulation legislation was wrong. I said it then, and I say it again now, 10 years later. No-one has benefited except the traders. All this legislation has stemmed from that. I support this bill, and I sincerely thank opposition members for their understanding and supporting it at such short notice.

The Hon. R.G. KERIN (Deputy Premier): I thank members for their contributions, particularly the Hon. Paul Holloway from another place and the deputy leader for their cooperation in helping us to bring this matter forward: it is much appreciated. I think that enough has been said about the bill, which is really tidying up a couple of issues. It is for the benefit of the grain industry, and I thank the members for their support.

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

The Hon. M.R. BUCKBY: Mr Deputy Speaker, I draw your attention to the state of the House.

A quorum having been formed:

STATUTES AMENDMENT (ELECTRICITY) BILL

Received from the Legislative Council and read a first time.

The Hon. M.R. BUCKBY (Minister for Education, Children's Services and Training): I move:

That this bill be now read a second time.

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

Leave granted.

The Statutes Amendment (Electricity) Bill makes amendments to the *Electricity Act 1996*, the *Electricity Corporations Act 1994* and the *Electricity Corporations (Restructuring and Disposal) Act 1999*.

The *Electricity Act* provides that an electricity pricing order issued by the Treasurer cannot be varied or revoked. However, it is possible that the electricity pricing order that has been issued will need to be amended, for example to address any conditions that the Australian Competition and Consumer Commission may impose as part of the process of authorising certain South Australian derogations to the National Electricity Code. It is for this reason that the electricity pricing order contains a provision that permits the Independent Industry Regulator to make such amendments prior to 8 November 1999. The Bill therefore amends the *Electricity Act* to permit the electricity pricing order to be varied in accordance with its terms and deems this amendment to have come into operation on 11 October 1999 (which is the date on which the electricity pricing order provisions of the *Electricity Act* came into operation).

The Bill amends the *Electricity Corporations Act*. The *Electricity Corporations Act* provides for the establishment of ETSA Corporation (which has conferred on it electricity distribution, transmission and system control functions) and SA Generation Corporation (which has conferred on it electricity generation functions). These corporations hold various assets and liabilities which will not be transferred to purchasers in the privatisation process, either because there is a legal impediment to their transfer or because the Government has made a decision that they should be retained in State ownership (eg. because a particular liability can be better managed by the State than by a purchaser). In addition, ETSA Corporation is, and will continue to be, the parent corporation of the State's electricity transmission business (ETSA Transmission Corporation). Conversely, the shares which SA Generation Corporation holds in the State's electricity generation businesses (Flinders Power Pty Ltd, Optima Energy Pty Ltd and Synergen Pty Ltd) and in the State's gas trading business (Terra Gas trader Pty Ltd) will soon be transferred to the Treasurer and will cease to be held by SA Generation Corporation.

The amendments made by the Bill to the *Electricity Corporations Act* enable SA Generation Corporation to authorise another body to exercise its powers to mine coal and other substances at or near Leigh Creek and to dispose of the coal and other substances. The Bill also amends the *Electricity Corporations Act* to provide for the possible abolition in the future of SA Generation Corporation and accordingly provides for the repeal of those provisions of that Act that relate to SA Generation Corporation. It might be desirable to abolish SA Generation Corporation if it ceases to hold any assets or liabilities. However, if SA Generation Corporation is not abolished, it might be converted into a Corporations Law company under the *Electricity Corporations (Restructuring and Disposal) Act* and sold. In that event, the Bill provides for the repeal of those provisions of the Act that relate to SA Generation Corporation, except that the converted entity will continue to have the power to mine coal and other substances at or near Leigh Creek and to dispose of the coal and other substances.

In addition, the Bill amends the *Electricity Corporations Act* to provide for the name of ETSA Corporation to be changed to RESI Corporation. The purpose of this is to allow the ETSA name (which is a valuable asset) to be used exclusively by the privatised electricity retail business. As a result of these changes, consequential amendments are also made to the *Electricity Corporations (Restructuring and Disposal) Act*.

The final Act that the Bill amends is the *Electricity Corporations (Restructuring and Disposal) Act*. The Bill amends the definition of 'prescribed electricity assets' in this Act so that it excludes land under or over which there is a powerline. Prescribed electricity assets cannot be sold by the State as part of the privatisation process, although they can be leased. In the absence of this amendment, the strip of land which lies under the connection lines that convey electricity from the distribution network on Anzac Highway to the ETSA Headquarters building would not be able to be sold. This is an unintended and anomalous consequence because the remainder of the land on which the ETSA Headquarters building is located can be sold. A similar situation exists wherever there are powerlines which supply electricity to ETSA depots and which pass over land that is owned by ETSA. However, the amount of land which would be affected by this amendment is small. This is because most powerlines are situated above or under land (such as footpaths or roads) owned by councils or above or under easements over private land. This land could not, in any event, be sold as part of the privatisation process.

Section 35 of the *Electricity Corporations (Restructuring and Disposal) Act* provides that:

> If a lease is granted in respect of assets by a sale/lease agreement, the lessor and the Crown will, despite any other Act or law, be immune from civil or criminal liability (other than a liability under the lease to the lessee) to the extent specified by the Governor by proclamation made on or before the date of the sale/lease agreement.

The Bill replaces this provision with a new provision that applies not only to a lease that is granted by a sale/lease agreement but also to a lease that is granted by a transfer order. This new provision also enables the relevant proclamation to be amended at any time with the consent of the lessee. This is intended to allow the proclamation to be amended over time in a way that does not prejudice the lessee's interests (at least without the lessee's consent).

In addition, the Bill deems all building and development work carried out before 30 September 1999 in relation to substations and transformers owned or operated by the State's electricity businesses at that date to have complied with the statutory and regulatory requirements applicable at the time that work was carried out. This provision is necessary because due diligence investigations have suggested that approximately one-fifth of the substations that are operated by the distribution business may not have been granted the necessary development approval for their land use. Furthermore, it appears that a number of substations and transformers used in the distribution business may not have been granted necessary development approval for their construction. The apparent failure to obtain these approvals has occurred in relation to substations and transformers that have been constructed over a long period of time (at least since 1966) in a variety of locations.

The Bill also makes amendments to the superannuation-related provisions of the *Electricity Corporations (Restructuring and Disposal) Act*. In particular, these amendments provide for a 'gas trading company' to be treated as an 'employer' for the purposes of these provisions. A gas trading company is defined to include the current State gas trading business (Terra Gas trader Pty Ltd) as well as a body declared by proclamation which carries on the business of trading in gas or which employs persons in (or in relation to) the business of trading in gas. This definition is necessary because it is not possible to generically refer to successors to the business of Terra Gas trader Pty Ltd (such as a purchaser of its assets) in a way that exhaustively encompasses all possible future employers of the employees who are engaged in the gas trading business. Moreover, these amendments are necessary because the State's gas trading business does not operate in the electricity supply industry—that is, the industry involved in generation, transmission, distribution, supply or sale of electricity. As a result of these amendments, the superannuation entitlements of those employees of that business who are members of the ETSA Superannuation Scheme receive the same protection as that which is extended to the entitlements of employees of the State's electricity businesses who are members of the ETSA Superannuation Scheme.

Clause 14(2) of the new Schedule 1 to be inserted in the *Electricity Corporations Act* (pursuant to Part 2 of Schedule 3 to the *Electricity Corporations (Restructuring and Disposal) Act*) provides that, where the employment of a member is transferred by an 'employee transfer order' under the *Electricity Corporations (Restructuring and Disposal) Act* from an electricity corporation or a State-owned company to a purchaser under a sale/lease agreement, then the purchaser is liable, within a period of 5 years, to fund the unfunded liability in respect of that member's entitlement to benefits that accrued before the member's transfer of employment. This provision will bind an employer who takes over employees transferred under an 'employee transfer order' (ie. where the relevant electricity business is privatised by way of an asset sale), but it will not bind an electricity corporation or State-owned company where the electricity business it conducts is privatised by way of the sale of shares in that company. This is because, in the latter case, there will be no employee transfer order in relation to the employees of that business.

The Bill therefore amends clause 14 so that it also binds a former electricity corporation or State-owned company, the shares in which are sold to a purchaser, to funding within 5 years the unfunded superannuation liability relating to the employees of the business conducted by that entity as at the time of its privatisation.

Finally, the Bill makes certain technical amendments to the provisions of the *Electricity Corporations Act* and the *Electricity Corporations (Restructuring and Disposal) Act* that relate to the statutory easements granted under those Acts. By virtue of these amendments

the body which has the benefit of such a statutory easement can suspend or limit rights, or impose conditions on the exercise of rights, arising under the easement. In addition that body can surrender all or part of the easement. The Bill also provides for the later statutory easement to apply to the exclusion of the earlier statutory easement and enables easements that are granted under the *Electricity Corporations (Restructuring and Disposal) Act* to be granted to more than one body. These amendments will provide the flexibility necessary to accommodate a range of operating or financing structures.

This Bill will further facilitate the privatisation of the State's electricity businesses and I commend it to members.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

Clause 3: Interpretation

These clauses are formal.

PART 2

AMENDMENT OF ELECTRICITY ACT 1996

Clause 4: Amendment of s. 35B—Initial electricity pricing order by Treasurer

The amendment recognises that the initial electricity pricing order made by the Treasurer may be varied to the limited extent contemplated by the order. This amendment is to be taken to have come into operation on 11 October 1999 (the date when section 35B came into operation).

PART 3

AMENDMENT OF ELECTRICITY CORPORATIONS ACT 1994

Clause 5: Amendment of s. 4—Interpretation

Paragraphs *(a)* and *(c)* are consequential on the change of name of ETSA Corporation to RESI Corporation.

Paragraphs *(b)* and *(d)* remove references to SAGC being an electricity corporation and will be brought into operation if SAGC is converted into a company under the *Corporations Law* or abolished.

Clause 6: Repeal of s. 5

Section 5 defines electricity generation functions for the purposes of SAGC. Its repeal will be brought into operation if SAGC is converted into a company under the *Corporations Law* or abolished.

Clause 7: Amendment of Part 2 to substitute RESI for ETSA

Clause 8: Amendment of s. 8—ETSA to continue as RESI

Clause 9: Amendment of s. 14—Establishment of Board

These amendments deal with the change of name from ETSA Corporation to RESI Corporation.

Clause 10: Repeal of Part 3

Part 3 established SAGC. Its repeal will be brought into operation if SAGC is converted into a company under the *Corporations Law* or abolished.

Clause 11: Amendment of s. 34—Establishment of corporation

This amendment is consequential on the change of name of ETSA Corporation to RESI Corporation.

Clause 12: Amendment of s. 48—Mining at Leigh Creek

The first amendment enables SAGC to authorise another body to exercise all or any of the powers conferred on SAGC under the section. This amendment is to come into operation on assent.

The second amendment inserts a new definition of SAGC to reflect its conversion to a Corporations Law company. This amendment will be brought into operation if that course of action is followed.

The third amendment removes the provisions of section 48 relating to SAGC. This amendment will be brought into operation if SAGC is abolished.

The second and third amendments are alternatives depending on the course of action chosen. Consequently, provisions are included to ensure that if one amendment comes into operation the other will not come into operation.

Clause 13: Amendment of Sched. 2—Repeal and Transitional Provisions

This amendment allows an electricity corporation to modify or surrender the statutory easement under clause 5 of Schedule 2 in relation to electricity infrastructure existing as at 1 November 1988.

PART 4

AMENDMENT OF ELECTRICITY CORPORATIONS (RESTRUCTURING AND DISPOSAL) ACT 1999

Clause 14: Amendment of s. 3—Interpretation

Paragraphs *(a)* and *(c)* are consequential on the change of name of ETSA Corporation to RESI Corporation.

Paragraph *(b)* removes reference to SAGC being an electricity corporation and will be brought into operation if SAGC is converted into a company under the *Corporations Law* or abolished.

Clause 15: Amendment of s. 13—Disposal of electricity assets and limitations on disposal

The amendment removes land under powerlines from the definition of prescribed electricity assets. This will enable appropriate land owned by an electricity corporation to be sold. The prohibition on sale of the powerlines themselves will remain.

Clause 16: Substitution of s. 35—Exclusion of Crown liability as owner, etc., of leased assets

The substitution of this provision ensures that it applies in relation to assets leased to a State-owned company that is subsequently sold, as well as to assets leased to a purchaser under a sale-lease agreement. The substituted provision also contemplates variation or revocation of a proclamation excluding the Crown's liability, with the consent of the lessee of the assets.

Clause 17: Amendment of Sched. 1—Special Provisions

Clause 2 of the Schedule creating a statutory easement in relation to electricity infrastructure in existence at the date of a proclamation under the clause is amended—

- so that if an electricity corporation is to have a statutory easement under the clause it will take the place of the statutory easement under clause 5 of Schedule 2 of the *Electricity Corporations Act*;
- to enable a body that has the benefit of a statutory easement under the clause to modify or surrender the easement by instrument in writing;
- to make it clear that more than one body may have an easement under the clause over the same land or in relation to the same electricity infrastructure. (For example a transmission entity and a distribution entity may need to carry out work in relation to different aspects of the same infrastructure.)

A new clause 2A is inserted so that all building and development work carried out before 30 September 1999 in relation to substations or transformers owned or operated by an electricity corporation or State-owned company at that date will be regarded as complying with the statutory and regulatory requirements applicable at the time the work was carried out.

Clause 18: Amendment of Part 2 of Sched. 3—Substitution of Schedule 1 of Electricity Corporations Act 1994

Paragraph *(a)* of this clause includes in the definition of 'employer' a gas trading company that employs a pre-privatisation member or any other member of the Superannuation Scheme. A small part of ETSA's operation was trading in natural gas. This is now undertaken by a State-owned company called Terra Gas trader Pty Ltd. The employees of Terra Gas trader Pty Ltd are not employed in the electricity supply industry but are just as entitled to be protected for superannuation purposes as any other former employee of ETSA. It is therefore necessary to define their employer as an employer for the purposes of the Schedule. Paragraph *(b)* defines 'gas trading company' to be Terra Gas trader Pty Ltd or any other body that trades in gas or who employs persons in trading in gas and that has been declared by proclamation to be included in the definition. It is important to include the successors to the business of Terra Gas trader Pty Ltd but because the circumstances of succession can be so varied and impossible to predict it is necessary to do this by proclamation.

Paragraph *(c)* makes a consequential change.

Paragraph *(d)* inserts a new subclause (2a) into clause 14 of the Schedule. Subclause (2) provides for the situation where the electricity business and employees of an electricity corporation or State-owned company are transferred to a purchaser. New subclause (2a) provides for the case where the same objective is achieved by transferring the shares of the electricity corporation or State-owned company. New subclauses (3) and (4) make consequential changes.

Paragraphs *(e)* and *(f)* make changes to the Trust Deed corresponding to the changes made by paragraphs *(a)* and *(b)*.

Paragraphs *(g)* and *(h)* make consequential changes to clause 17 of the Trust Deed.

Clause 19: Amendment of Part 4 of Sched. 3—Amendment of Schedule 1 of the Electricity Corporations Act 1994

This clause corrects two cross references.

Clause 20: Amendment of Sched. 4—Related Amendments

This clause strikes out the amendments enabling downsizing of the Board of SAGC and will be brought into operation if SAGC is converted into a company under the *Corporations Law* or abolished.

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

That standing orders be so far suspended as to enable this bill to pass through all stages without delay.

Motion carried.

Mr FOLEY (Hart): This is a very timely piece of legislation given the debate that has been engulfing this parliament over the past few days. This bill raises a number of issues that have been discovered through the due diligence process. Funny about what you can find when you start to have some due diligence! I want to make some broader and more sweeping statements about this whole electricity issue but, before I do, I want to say that I was not in the chamber during part of the no-confidence motion when the Deputy Premier was making his contribution.

I understand that he did accuse me of playing a role in scaring off Powergen, a bidder for the electricity assets, which announced in today's *Financial Review* that it is no longer bidding for the ETSA assets. I understand that the Deputy Premier inquired whether I was 'happy', 'grateful', or something, that that had occurred. The Deputy Premier was implying that that was an objective of mine, that I was responsible for it and therefore I should carry the responsibility. I refute those accusations completely and, had I been in the chamber, I would have taken an immediate point of order.

The Deputy Premier should have read the article in the *Financial Review* instead of taking his riding instructions from the Premier's staff as they try to find some arrows to fire at me. The article stated that Powergen had withdrawn its bid because its board was not prepared to authorise a sale price of upwards of A$4 billion. The reason was stated in the newspaper article and it had nothing to do with the current political controversy. So, I refute the comments made by the Deputy Premier. I should have thought that a person in his position would be a little more sophisticated in his rebuttal of my argument than simply attempting to slur me by making those remarks. But never mind. As they say, politics is a tough game.

Let us remember that the criticisms and issues being put forward by the opposition are not something that we have fabricated. It is not as though we have gone away and dreamt up some issues on which we can attack the government: they are the concerns of the independent financial watchdog of this state, the Auditor-General—the very person upon whose advice this government relied to make the policy backflip back in 1988. I do not want to revisit all of the no-confidence debate on this side of the chamber, but it is important continually to remind people that the criticisms of ERSU, the government, the Treasurer and the Premier are criticisms that were prepared by the Auditor-General. The opposition is only playing its rightful role in ensuring that they are properly aired and, more importantly, corrected, and let us not forget that.

The opposition will support a number of issues in this bill. I have concerns about some issues but, overall, this bill attempts graphically to highlight the speed with which we are moving this asset process through. The urgent nature of all the actions of government are so rapid that the government is discovering things as it goes along. This bill happens to discover a number of things, and we should be concerned about what it is discovering.

I am concerned not so much about the discovery of these issues but that so many issues are emerging as we go through due diligence processes—issues on which the Auditor-General said, in his own critique, that a lot more work should have been done before the government embarked upon this process. We are finding matters in this bill which might be minor in nature but which are still significant. One would have thought that some of these issues would be thought through before we reached this point. We will go through issues such as transfer of ownership of certain land and issues relating to liability and Leigh Creek; and in relation to one stunning clause, and I am not yet convinced that we should support it. I will listen to the debate and make up my mind a little later. I am sure that my colleagues will have some input into the issue of giving blanket approval to 67 substations around South Australia which apparently, over the years, under both governments, have not necessarily been built to appropriate building standards.

It is an opportune time for the opposition to restate the view that the disposal of our assets is happening too quickly, and that not enough time is being given to proper due diligence and proper preparation of process. Indeed, a question mark still seriously hangs over the entire lease process.

Next week will no doubt be another critical week in the history of this leasing process, because critical dates must be met. I think that it is an unfortunate time. I received another telephone call at home last night, believe it or not, from someone who said that another very senior public servant had been white-anting the Auditor-General to him in the course of the past two or three days. Taking into account the senior position of this person, if this is true (and I will be endeavouring to ascertain that), it would worry me greatly. I have heard a number of people within government and the bureaucracy being quite critical about the Auditor-General and making some very disparaging comments about his conduct.

That is the tactic that some may choose to use. My colleague the member for Elder eloquently said that it is like a box of Cadbury chocolates: you pick out the chocolates that you like and leave those that you do not like. So, you pick the advice of the Auditor-General you like, à la what he thought were the risks associated with ETSA that the government interpreted as being a need to sell, but you ignore those concerns when it comes to the heart of our leasing process. That is disappointing. It has been a long couple of days and I am struggling, but I know the member for Waite is hanging off my every word, as he does. As he says to me, he is learning much from me as he listens to me in the Economic and Finance Committee and in this chamber. No doubt the honourable member is modelling himself on me so that when he is in opposition he will conduct scrutiny of government with the same vigour that we apply in the Economic and Finance Committee. There is no doubt that I have much work to do with the member for Waite. Every time I think I have him at a stage where he is learning, he goes out and does a press conference—

The DEPUTY SPEAKER: Order! I bring to the House's attention the matter of relevance.

Mr FOLEY: Sir, the relevance there is very important, because it goes to the heart of the Electricity Act and relates to due diligence. I have said to the member for Waite time and again that there are times when you just have to take that step back and let the Treasurer and Premier carry this one through. I note that the minister in the chamber, a man for whom I have great respect, even though I have a crack at him occasionally, is not getting too close to this ETSA issue; he is keeping this one at arm's length. I think the member for Waite would be wise to take note of some of his more senior colleagues and the way they are not rapidly jumping to their feet.

Mr Hamilton-Smith interjecting:

Mr FOLEY: Well, when your third speaker in a no-confidence motion to defend the Premier is the Independent member for Gordon, who actually gives a contribution that is more beneficial to our case, you would have to argue, 'What is going on on that side of the House.' With those few words I look forward to the committee stage. I have the sense that it is likely some of my colleagues will want to contribute. I should perhaps stop at this stage to give them that opportunity.

Ms HURLEY (Deputy Leader of the Opposition): I do indeed want to contribute to this debate on the Electricity Act, because I am very dismayed that this government, in its rush for cash to cover over its own mismanagement of the budget, has put in place a flawed process, so badly flawed that the Auditor-General has said that it might result in years of litigation and cost this state many dollars. This is not the first instance of this, either. We have had a series of contracts where this government has mismanaged the contract and mismanaged the process around that contract. There is the water contract; there is the Motorola contract; and now there is the ETSA contract. It is the Premier who has been in charge of each of those major contracts.

I am astonished that the Premier still continues to receive support from within his own party. Surely they must realise by now that he is not able to properly manage these contracts. This is a person who is not only in charge of multimillion dollar contracts but of our state. I suggest that this is simply not good enough. Of course, the Premier is not alone: there are a number of other ministers who have handled contracts and processes of government badly. There is the Hindmarsh Soccer Stadium with which we have been dealing recently and on which there will be a great deal more to be said. There are other contracts associated with the water contract, such as the Schlumberger water meter contract, again, where there were queries about the process by which contracts were awarded and where it appears the two tenderers were treated very differently. One tenderer was offered government incentives to set up here in South Australia and the other was not.

We find a similar story with this ETSA contract. One consortium was allowed to submit a late expression of interest and another was not. As the Premier said, the Auditor-General has not made any suggestions of illegality, but, in a way, surely incompetence is almost worse than illegality. There seems to be a great deal of incompetence on behalf of the Premier and many of his ministers. Surely the cabinet had better oversight of the Premier and his Treasurer than this. Surely the government is culpable for the mismanagement of the ETSA tendering process. I really think that it is an enormously important issue for this government and this state. This is the sale of an asset which was built up over many years. Also, this part of the process involves the sale of the most valuable part of that asset.

This is the big prize in the asset sale. This is the part of the asset on which the government could have got a guaranteed return for many years to come. This is the important bit, the really contentious bit. There is probably some argument for selling the generating business, not an argument that we on this side of the House agreed with, but the transmission part of it provides a guaranteed return to a state like South Australia over many years. We are selling it via a flawed process that may result in litigation over many years. Indeed, my sister, who is a lawyer, was involved in litigation in New South Wales concerning a government contract. At the time she left that particular section they had been two years in litigation, in suit and in countersuit over this particular contract. It is easy to see, with a more lucrative contract such as this, that there might be a similar situation, perhaps an even worse situation, with ETSA.

I am very disappointed that this government has not learned its lesson from the water contract and from the Motorola contract because, despite many signals from this side that we would be carefully scrutinising this contract for probity and fairness, it has still failed to put in place the correct procedures for this tendering process. You have to wonder about the quality of advice that they have taken, advice for which they have paid so richly and so dearly. We all know about the millions and millions that have been spent on consultants. Of course, these consultants, mostly merchant bankers and other advisers, are hanging out, one might say, for the success fee at the end of it. They have no interest whatsoever in the long-term good of the state of South Australia. Their interest is solely and purely in what profit they can take to their board at the end of this process and in what profit they can derive from it.

Their bonuses, future promotion and the security of their own interests depend on their success fee. It does not depend on whether the state of South Australia gets the best price for this asset, the best deal out of it in the end or what will be the situation in South Australia in 10, 20 or 50 years. That is of no significance whatsoever to them. The job of the minister, the Premier, the Treasurer, cabinet and of government is to ensure that the long-term interests of South Australians in this process are guarded. It seems, whether from incompetence or wilfully looking the other way in order to get in the income from this asset sale, that this government has not been able to do that.

The taxpayers of South Australia have been exposed in terms of legal processes and in terms of loss of income to these mistakes and to this undue haste by the government in trying to realise the money from the sale of this asset. In fact, I worked for a merchant bank in the early 80s. I must say that I was in the corporate takeover section—not in providing this sort of corporate advice. I have a fair idea of how these people operate and am a bit embarrassed at the way they seem to have steamrolled into this state. They seem to have pulled the wool over the eyes of the ministers and government advisers in South Australia. Although they have taken huge consultancies and will be in line for huge success fees, they have delivered such poor advice that the Auditor-General in this state had to come out in a dramatic way to influence the process and to stop it from proceeding while these mistakes were fixed up.

Having been kicked into action by the Auditor-General during this process, this government is now trying to slide past the Auditor-General's recommendations to say that the process is not contaminated, is not flawed but that there have been a couple of minor errors that can be fixed up over the next week and still give the bidders time to operate within that framework. The member for Gordon supported that theory. It is absolute nonsense. If in the months they have had the advisers have not been able to come up with a reasonable tender process and a reasonable process for assessing the bidders, it is highly unlikely that they will have the time to get back to the Auditor-General and provide him with a structure that redresses the problems and ensures that there will not be problems in future.

It was absolutely essential in the long-term interests of South Australia that the opposition point out this process and the importance of delaying the bid process. It would have been irresponsible for us to do otherwise, and it is highly irresponsible for cabinet not to agree to a delay in this process so that everyone in this Parliament and in this state can have time to assess the new process and be assured that, in the long-term interests of South Australia, we will no longer expose ourselves to litigation or to any loss in regard to the sale of these assets.

I have no difficulty with weathering the criticisms about being wreckers. This is absolutely not the case. If we had stayed quiet about this and joined the conspiracy of silence, we would have been acting against the recommendations of the Auditor-General. The Auditor-General knew what he was doing when he spoke out before the Economic and Finance Committee. He knew that the opposition would take up the cudgels and knew there would be a public outcry. He had been running up against a brick wall in trying to get any action from the government or the electricity sales unit and was driven by his serious concerns to speak about them publicly. The opposition was duty bound to take it up and bring the matter to the parliament.

We are disappointed that the parliament will not be sitting during the next few weeks in order for us to maintain our scrutiny and questioning over the process. Certainly the government has set up a process by which there is a select committee that can assess the bids, and the Auditor-General can report, but that is no substitute for the parliament's being able to ask questions, for the parliament being here to ensure that the bid process is reformed and able to be conducted properly. It is astonishing that this was not done earlier.

The people of South Australia are so disappointed in the current government that its days are numbered, but this must surely add to the disillusionment of the people of South Australia. They very nearly did not elect this government, which only operates with the support of three Independents. The people of South Australia would be very disappointed that they did not get a Victorian result, that they did not get rid of the current Premier. They would be very disappointed that such incompetence has been demonstrated by the current government and Premier. It shows that the people of South Australia made the right decision in voting out 13 of the previous government's members. It did show that government members made a mistake in swapping leaders just before that election. The current Premier is very much a deal maker, as was shown with the water and Motorola negotiations and now the ETSA negotiations. The really disappointing thing for South Australians is that the Premier is such a poor deal maker.

The Hon. M.R. BUCKBY (Minister for Education, Children's Services and Training): I thank members for their contributions. It was always envisaged that when the electricity legislation went through there would need to be amendments to follow up that measure in terms of issues that arose and to tidy up around the edges. This bill does that on a number of issues that have arisen following the initial bill for preparation of the lease of ETSA. It contains a number of provisions to which I am sure the opposition will refer in committee. Again, I thank members who have contributed to this debate. I now move:

That the time for moving the adjournment of the House be extended beyond 5 p.m.

Motion carried.

Bill read a second time.

In committee.

Clauses 1 to 3 passed.

Clause 4.

Mr FOLEY: I refer to the pricing order. The amendment here was to provide for closing a loophole retrospectively. When briefed on this I asked a question but have not yet received a response on whether any amendment to that pricing order had been made in that period.

The Hon. M.R. BUCKBY: I am advised that no amendments have been made to the pricing order.

Mr FOLEY: With respect to the pricing order, the ACCC, in a report undertaken into our pricing order, has expressed concerns about the rate of return that has been posted for ETSA distribution. Is the government concerned about this criticism?

The Hon. M.R. BUCKBY: No, there is not a concern about the issue raised by the ACCC.

Mr FOLEY: I understand that the issue raised was that an 8.2 per cent rate of return is expected on our distribution assets, compared with the Victorian gas assets which are pitched closer to 7 per cent. Clearly a high rate of return makes it a much more attractive asset to purchase, but ultimately the consumer will pay for it with higher prices. Why was 8.2 per cent arrived at, particularly given the closer to 7 per cent rate of return struck for the gas assets in Victoria?

The Hon. M.R. BUCKBY: I am advised that we are dealing with two different things—gas and electricity—in terms of South Australia's electricity being predominantly coal burning. Again we are dealing with two different environments, Victoria versus South Australia, regarding the return that is due to be generated.

Clause passed.

Clauses 5 to 13 passed.

Clause 14.

Mr FOLEY: This clause allows the government to have maximum flexibility, I understand, in dealing with the cross border lease with Southern Edison of California (the holder of the lease over our transmission and distribution businesses) through a cross border lease held by Stobie Leasing—and I forget the other one—based in the Cayman Islands. There are two, I might add, but that is by the by. What is the—

Mr Venning interjecting:

Mr FOLEY: It's a fact: it's a tax measure.

Mr Venning interjecting:

The CHAIRMAN: Order!

Mr FOLEY: Do not talk about something about which know nothing, member for Schubert.

The CHAIRMAN: Order! The member for Hart.

Mr FOLEY: Where are we at with the cross border leasing issue in respect of the leasing process and what mechanisms are in place to deal with that particular issue, given that it has material impact on the leasing of ETSA?

The Hon. M.R. BUCKBY: I am advised that at this time consent is being sought from the parties regarding the cross border lease and that those negotiations are ongoing. We cannot report any further than that at this stage.

Clause passed.

Clause 15 passed.

Clause 16.

Mr FOLEY: I refer particularly to clause 16(2)(a) relating to the 67 substations around South Australia for which, apparently when constructed in 1966, ETSA did not have to

obtain the appropriate building approvals. I understand that under the legislation it was able to comply with the existing standards but did not have to go through the same rigorous assessment as related to other buildings. It would appear that, through due diligence, we are discovering that some of our substations are not up to scratch and we want to give them a blanket approval. I have to say that worries me because it seems to be an enormous power which we are talking about passing here. I have absolutely no idea what the state or condition of each of these substations is, and simply to have the parliament deem that they be approved retrospectively worries me.

In particular, the Electrical Trades Union quite rightly pointed out to me an issue they had with ETSA before privatisation relating to a number of substations and the fact that the required safety limit between the top of the substation and the transmission lines coming in was inadequate and in breach of safety guidelines, so that when any worker was working on that particular structure with ladders and other bits and pieces they could be in serious danger. That issue had not been adequately resolved with ETSA before we began this process.

In fairness to the government, I must acknowledge that it has provided us with a response, but I have not had a chance properly to study it, having been being somewhat preoccupied. Would the minister advise whether that concern has been corrected?

The Hon. M.R. BUCKBY: Yes. The answer is that all substations bar Lyndoch at the moment have been upgraded to occupational health and safety requirements. Lyndoch is to be completed this month. Therefore, at that stage all substations will meet the correct occupational health and safety requirements. As the member has identified, this was in relation to an occupational health and safety issue concerning the height of lines above the ground and where people would be working. They have now been corrected. The last one will be finished at the end of this month.

Mr FOLEY: I do not want to say any more on this, but I must indicate that the opposition will oppose this clause on the voices. Clearly we do not have the numbers, but I do not feel comfortable about this provision. I have had some consultations indeed with the Auditor-General of all people—we have been talking a lot lately. I do not know, I have not been able to consider carefully and seek sufficient advice to give me the level of comfort that I would need to support this clause. Simply backdating approval for 67 substations to 1966 without having an adequate brief on that worries me. I do acknowledge that I have had time to get that, but given the pressures of the past few days I have not been able to get around to it, to be perfectly honest, as I should have. I indicate that the opposition will oppose this clause.

The Hon. M.R. BUCKBY: I might be able to give the member a little more information. When these substations were established up to some 35 years ago the planning rules of the day did not require ETSA to get planning approval to set up a substation. As a result, a number around the state have not been approved. If someone appealed against a particular substation being alongside a township, or wherever it was sited, for instance, then the lessee may be required to shift the substation, of course that cost being at their expense. This clause is designed to eliminate that possibility. It is a broad blanket coverage, I agree, but that is the reason for it.

Mr FOLEY: Thank you for that. That is a good piece of information and I can understand where the Minister is coming from in that respect. What we are saying in this clause is that the 67 substations will be brought up to comply with today's building codes, but do we know whether they meet today's building codes?

The Hon. M.R. BUCKBY: I have been further advised. In relation to the location, they were not certified by a private certifier, so that is the reason for the blanket approval, but it is believed that, if they had gone down that track at the time, it would have been agreed to. In relation to the second issue that the member has raised about building standards, we have been advised that to raise all the substations to the current building standard would cost the government about $100 million. As a result of that, one could see why the government might not want to go down that path. As I said earlier, in terms of occupational health and safety issues, that has been completed bar one, and it, too, will be completed at the end of this month.

The CHAIRMAN: The member has had three questions.

Mr FOLEY: I actually asked the wrong question then; I accept that. Having now listened to the minister, I will support it.

Clause passed.

Remaining clauses (17 to 20) and title passed.

Bill read a third time and passed.

SOUTHERN STATE SUPERANNUATION (SALARY) AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. M.R. BUCKBY (Minister for Education, Children's Services and Training): I move:

That this bill be now read a second time.

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

Leave granted.

This bill seeks to make a minor but important amendment to the *Southern State Superannuation Act 1994*, which establishes and continues the Triple S scheme for government employees. The Triple S Scheme provides benefits based on the accumulation of contributions paid into the scheme.

The amendment modifies the definition of salary to provide that non-monetary remuneration received by a member as the result of the sacrifice by the member of part of his or her salary in accordance with an award or an enterprise agreement prescribed by regulation shall be included as part of salary for purposes of the Act. The modification is required as a consequence of the agreement between the public sector unions and the Government to introduce the option for employees to salary sacrifice as part of the SA Government Wages Parity Enterprise Agreement.

In terms of the current definition of salary under the Act, non-monetary remuneration is not considered to be part of salary on which contributions to the scheme and benefits are determined. This means that unless there is an amendment, employees who elect to take part of their current cash salary in non-monetary form will suffer an unintended diminution of superannuation benefits.

The amendment will ensure that as a result of the proposed introduction of salary sacrificing from December 1999, there will be no diminution of a person's conditions and benefits of employment, and particularly superannuation.

Executive Officers employed in terms of an individual contract are not affected by this amendment. The provisions of an Executive Contract allow the officer to determine their own specific level of superannuation contributions.

The Public Service Association and the South Australian Superannuation Board have been fully consulted in relation to this amendment, and have indicated their support for the proposed amendment.

I commend this bill to honourable members.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for the amendments to operate from the date from which salary sacrificing is available to members of the scheme.

Clause 3: Amendment of s. 3—Interpretation

This clause amends section 3 of the principal Act. It is advisable to define the term 'non-monetary remuneration' because in many instances so called non-monetary remuneration comprises the payment of money on behalf of the employee.

New subsections (3) and (3a) set out the forms of non-monetary remuneration that are included and those that are not included in the definition of 'salary'. New subsection (3b) provides for the determination of the amount of the salary received by a member where part of it comprises non-monetary remuneration.

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

That Standing Orders be so far suspended as to enable this bill to pass through all stages without delay.

Motion carried.

Mr FOLEY (Hart): The former member for Playford, Senator John Quirke, would not be at all inclined to support this bill. It concerns an issue in which he had a particular interest, that is, salary sacrifice for public servants' superannuation. Having served on the Economic and Finance Committee—

Members interjecting:

The DEPUTY SPEAKER: Order! Members will take their seats or leave the chamber.

Mr FOLEY: Times have moved on and we understand that the government has reached an agreement with the Public Service union that a certain condition of their wages agreement may involve salary sacrifice in respect of superannuation and we need to make a legislative amendment to ensure that can occur. In the spirit of bipartisanship that we demonstrate often, we are happy to support the bill and allow the measure to go through the third reading.

The Hon. M.R. BUCKBY: I thank the member for Hart for his support and contribution. As he said, this is about changing the definition of 'salary' to allow for non-monetary remuneration received by a member of the Public Service. In December it will come into force that a member of the Public Service can sacrifice some of their salary for a car or other matters, so the definition of 'salary' needs to be changed so that their superannuation will not be affected, because superannuation is linked into the monetary salary that is received. This amendment tidies up that provision and I thank members opposite for their support.

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

LAND TAX (INTENSIVE AGISTMENT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 November. Page 507.)

Mr FOLEY (Hart): Any spirit of bipartisanship goes out the window with this bill. The opposition opposes this amendment to the land tax legislation. Ordinarily I think that we would support it but we are not going to support it because of the unfortunate manner in which the opposition and the parliament has been treated with this legislation. This is no criticism of the minister in the chamber because it is not his fault. He gave this to me yesterday. The Treasurer had said to him, 'Malcolm, can you slip this one through your House this week, because we want to get it through before we rise?'

The opposition will not be treated by the Treasurer as a mailing house for his legislation. We have a long-held tradition of process in this parliament in that the opposition is given legislation with sufficient time to consider it and to take it to shadow cabinet and to caucus so we all have an opportunity to be part of the process. As shadow minister, I have time to be briefed on it, and we decide to agree, disagree or amend the legislation. It comes into the House and due process sees it through the House.

Often there are times when that process has to be speeded up because we have an emergency situation, law needs to be fixed immediately or there are extenuating circumstances that require swift passage. In most cases we are flexible and we allow that to happen. But this bill meets none of those criteria. The problem with land tax that this bill addresses concerns rural property, which is exempt from land tax, and which, through the spread and sprawl of the city, is now part of the metropolitan area. Such land should be exempt.

As I said, I imagine that my caucus colleagues would agree with this measure, but the government cannot treat us with contempt in terms of process. Ministers cannot say on a Tuesday or Wednesday, 'We have to whip this one through.' The parliamentary sitting calendar has set down another optional week in which we could deal with this bill, but we all know that we will be here to the early hours of the morning. As the Deputy Premier has advised me, we will be back here tomorrow, on Friday—we never sit on Friday—but we are not coming back next week.

The government wants to pull up stumps; it wants to get out of this place and not have another week. Why not—because of the issue we debated today between 2 and 3.30 p.m., the issue of no confidence, the issue of the ETSA lease. As the member for Gordon pointed out, the critical date is 26 November, which is the date when the amended bidding rules will be issued. If the Auditor-General's concerns are not addressed, we will have yet another day of crisis.

The government does not want the parliament sitting. So, to get out of this place, to run away from parliamentary scrutiny, the government is prepared to sit late tonight, all day tomorrow and then pull up stumps and not come back next week. It expects us this week to pass a piece of legislation as important as this, without proper process, so that it can get out of here before next week. We will not be part of this. We will not be intimidated or treated with contempt and nor shall we put up with this government's trying muscle us into doing what it wants. It is reminiscent of the tactics that this government used to adopt in the last parliament when it was 36 members versus 11 members, where it could ram through this place whatever it liked.

To the Independent members of parliament and to those who are independently minded within government, I say that we should not support the ramming through of this legislation so that the government can avoid public scrutiny next week. I urge all members to oppose this as a matter of principle. It is a long held tradition in this parliament that the opposition and the parliament be treated with a degree of courtesy. I do not know whether Independent members have had the chance to read, study and consult on this matter, but I suspect they have not.

Mr Hamilton-Smith interjecting:

Mr FOLEY: The member for Waite says, 'It warrants certain behaviour.' The silly member for Waite appears to want to be part of this government's cover-up over ETSA. In four or five years' time, when we have a settlement in the courts that sees this government or the government of the day

having to fork out damages to a disgruntled ETSA bidder, I look forward to the member for Waite's explaining that away. As I said to the member for Waite, there are times when backbenchers in government should not simply espouse the view of the government of the day because they think it is their loyal role to play.

The member for Hartley shakes his head. If I was sitting on .9, I would be terrified of what this government is and is not doing over ETSA. I would have thought the minister himself, who is on a very slim margin in the electorate of Light, would not want to be part of it. I appeal to the member for Gordon to come with me on this one—to be aware that the government wants to get this through the parliament because it does not want a sitting next week. We have not been given the chance to scrutinise this legislation properly. I have not been given the chance to seek advice on it, to take it to my shadow cabinet nor to our caucus for my colleagues to have a view on it. I do not know whether there are members who may wish to oppose, support or amend it.

Mr Scalzi interjecting:

Mr FOLEY: No, on this bill I do know nothing, because I have not been treated with the proper courtesy. The government has a week in which it can sit—next week. Do not play games with parliament. I urge all members, Independent members, and all independent thinking Liberals to oppose this bill as a matter of absolute principle.

Mr CLARKE (Ross Smith): I rise to support the remarks made by the member for Hart, our shadow Treasurer. Other than maybe the member for Gordon, the minister and members of cabinet, I do not think a single member in this chamber has been given a copy of this bill. We would be voting on this legislation in an absolute vacuum. As the member for Hart quite rightly points out, he is not in a position to state the Labor Party's position on it, because, in accordance with our rules, he has not been able to take it to our caucus so that we can be advised and have debate within our own ranks to determine our official position. This legislation deals with land tax; that is all I know about it. I suspect that is probably true of both sides of this House—except if you happen to be the member for Gordon or a cabinet minister. There have been plenty of times when this opposition, both in the last parliament and in this parliament, has cooperated with the government, particularly at end of a session, in order to allow urgent legislation through without giving the usual week's lay over.

I was not in the previous parliament, 1989-93, but I am assured by former members such as the member for Giles that, when he was the Deputy Premier and sought to introduce legislation—even urgent legislation—the opposition claimed that there should be at least a week's lay over, with the bill lying on the table, to enable the opposition of the day to study the bill before responding to it. That has not happened on this occasion, and it is not the first time that this Liberal government has treated the parliament with gross discourtesy and tried to flout the normal behaviour and the normal processes of this House whereby legislation is properly scrutinised and can be properly debated.

This may be relatively uncontroversial legislation concerning which this opposition, in the ordinary course of events, would cooperate with the government in order to enable its speedy passage. However, for this government—particularly the Treasurer—not to ensure that the shadow Treasurer is briefed in advance is just an act of gross discourtesy and high-handedness. It is the sort of thing I would expect from the former Treasurer, the then member for Mitcham, Stephen Baker, who used to be pretty high-handed. But at least he had some cause to be high-handed: at that time, he had 36 soldiers on his side of the fence to our measly 11. This government has much less reason to be as arrogant as that former state Treasurer. However, somehow or another, it tends to think that, because it will do a deal with the so-called Independents, that is all it need do: we can sit tomorrow, and we can sit on this bill next week. It is an optional sitting week. We will rise for the next four months not because this opposition wants to see this parliament be put in suspended animation but because it is the wish of the government. Let us utilise next week.

When I added up the number of weeks we will be sitting next year, I almost felt as though I was a member of the Legislative Council. I felt like a part-time member of parliament. When we put our hands out for a monthly pay packet, we would like to think we have done a day's work. However, we have not done too much of it of late. Certainly, in the electorate offices we have. However, within this chamber, work has been very light on—not because of any fault of the opposition but because of the way the government has structured its legislative program and, more particularly, because it does not want parliamentary oversight in the form of Question Time and public scrutiny of the complete hash it is making of a whole range of projects, the ETSA lease being just one of many debacles which is surfacing at present.

I strongly urge the House to adopt the course put forward by the member for Hart. Let us come back next week and debate this legislation after the opposition has been given the courtesy of finding out what the bill is about, formulating our own position on it, being briefed and then being able to make a worthwhile contribution in this place. To do otherwise is absolutely the height of arrogance and, ultimately, that is what trips governments up.

Ms WHITE (Taylor): I rise to reiterate the plea made by my colleagues the members for Hart and Ross Smith for the government to delay debate on this bill, because it is an important bill and it does have some impact on my constituency. My constituency, which extends to the Gawler River, and my future constituency, heading into the next election, which extends up to the Light River, contains many properties with agistment, and obviously this bill, bearing as it does the land tax provisions for those properties, does affect my constituents. However, I have been given no opportunity to consider in any depth whatsoever this legislation or ask my constituents—

An honourable member interjecting:

Ms WHITE: That's right. I have had no opportunity to ask my constituents how this will impact on them, because this government is rushing this legislation through in an attempt to short-circuit parliament in order to get out of here to avoid the scrutiny to which the disposal of our biggest asset, ETSA, should be subjected. The bill deals with the additional criteria for exemption within the defined rural areas that primary producers have or do not have. So, there is, quite obviously, an impact for those of my constituents who are involved in the activity of contractual agistment.

I reiterate the plea of my colleagues. It is not proper government process to force legislation through. In the Labor Party we have a process whereby we have a Caucus decision on all legislation. This bill was handed to the responsible shadow minister yesterday, and I am looking at it for the very first time now; therefore, it does not afford me or any of the

Labor Party members an opportunity to consider this bill in any depth and give it the consideration that we, as legislators, are bound to give it. So, I reiterate to the government that it is not fair and it is not good government to force this legislation through without an opportunity for all members to scrutinise it appropriately.

Mr McEWEN (Gordon): It is poor form to rush this bill through at such short notice, and I agree with some of the comments of opposition members in terms of their right to give due process to consideration of any legislation. Notwithstanding that, I would appeal to them on this occasion (after a bit of ceremonial browbeating, which I think is important) to allow this bill to move through, simply because, if they do not, it will incur quite some cost to the state in terms of collecting land tax now and rebating it in February or March, once we have passed the bill. Members should keep in mind that all we are doing here—

Mr Hanna: It's the price of democracy.

Mr McEWEN: We are not talking about the price of democracy here; we are just talking about a very minor matter in terms of one—

The DEPUTY SPEAKER: Order! The member for Mitchell is also talking out of his seat.

Mr McEWEN: It is not only his seat that he is talking out of! All we are trying to do here is capture, within the definition of 'business of primary production,' the fact that sometimes the primary producer, the owner of the land, as a source of revenue, allows agistment on the property. Just because of some minor oversights, it is now considered that that practice is not captured within primary production. Very few people will be caught out by this. However, if we wait until March, some people will aggrieved, because they will pay the money now and have it rebated in March—and, interestingly enough, I would not be surprised if a number of those people are in Labor seats. Members opposite probably do not want a couple of angry constituents coming and complaining to them, either. I appeal to the Labor Party to show a little remorse for a government that is not managing this process particularly well and, for the sake of the landholders concerned, I ask them to allow the bill to pass.

The Hon. M.R. BUCKBY (Minister for Education, Children's Services and Training): I thank members for their contributions. It is regrettable that this matter has come on so quickly; it would be much better if members could be briefed. However, this bill was landed on my desk only two days ago. I immediately approached the member for Hart, and I recognise his difficulty.

As the member for Gordon has eloquently described, the agistment of intensive agriculture has not previously been included in the definition of 'business of primary production'. This bill amends the Land Tax Act to enable that to be done. The need for the speed with respect to this bill is that land tax is assessed as at 30 June. I am advised that the taxation department would be sending out bills to the people concerned within the next two to three weeks and, as a result of that, if the bill did not pass through the House, they would have to send out the bill that was applicable at the time and, of course, further down the track, when the bill had been passed, they would then have to rebate those people who were so affected. So, in terms of efficiency of the department, it is much more satisfactory for this measure to pass now.

I wish to take issue with the member for Taylor: the constituents to whom she refers are my constituents for at least the next two years, and—

Ms White interjecting:

The Hon. M.R. BUCKBY: Yes. It returns to her after a brief sojourn in Liberal Party territory for four years. However, she did have them as constituents from 1993 to 1997. However, I note that there is a boundary revision following the Electoral Commissioner's review, and that boundaries will change at the next election. So, I will lose these people at the next election, much to my regret. However, I do represent them at this stage.

There are a number of intensive chicken meat producers in this area and, while they own the land and the shed that lies upon it, they agist out the shed to another producer to raise chickens in that area. It also relates to those who might be agisting their land for intensive sheep or pig—

Mr Foley interjecting:

The Hon. M.R. BUCKBY: Well, that is agriculture. I do have a bit of knowledge here.

Mr Hanna interjecting:

The Hon. M.R. BUCKBY: A couple of other things, member for Mitchell. But it does mean that the person who owns the land is not directly related to primary production, so this exemption is given. I thank members for their contributions and I urge them to support the bill.

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

ELECTRICITY, PRIVATISATION

The Hon. R.G. KERIN (Deputy Premier): I move:

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

Motion carried.

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

1. That in the opinion of this House, a joint committee be appointed to provide a means by which any concerns of the Auditor-General in relation to the electricity businesses disposal process in South Australia can be expeditiously communicated to the parliament throughout the duration of the lease process;
2. That in the event of the joint committee being appointed, the House of Assembly be represented thereon by two members, of whom one shall form a quorum of Assembly members necessary to be present at all sittings of the committee;
3. That joint standing order number six be so far suspended as to enable the chairman to vote on every question, but when the votes are equal the chairman shall also have a casting vote; and
4. That a message be sent to the Legislative Council transmitting the foregoing resolution and questioning its concurrence thereto.

Motion carried.

CRIMINAL LAW CONSOLIDATION (SERIOUS CRIMINAL TRESPASS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. I.F. EVANS (Minister for Industry and Trade): I move:

That this bill be now read a second time.

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

Leave granted.

There has been a great deal of attention given to the problem of what is popularly known as 'home invasion' occurring in South Australia in 1998 and 1999. There has in that period been what

appears to be an escalating pattern of crimes reported and discussed in the media as 'home invasions'. These might generally be described as criminal incidents in which intruders force entry into an occupied dwelling and then commit one or more further crimes in the dwelling when occupants are lawfully present and particularly when those offences are committed against those occupants personally. It is difficult to be more precise than that general description because, at the margins, what is and what is not 'home invasion' is difficult to define.

The Office of Crime Statistics has, for its purposes, analysed the descriptions of the phenomenon as reported in the media and as employed by law enforcement agencies and proposed the following working definition:

> 'In summary, 'home invasion' seems to be understood, at the very least, as an incident involving unlawful entry into a house with intent to commit a crime, when the occupants are at home. Most references to 'home invasion' also include one or both of the following elements:
>
> · some type of confrontation between offender(s) and occupant(s), involving violence (or the threat of violence) against the occupants; and
>
> · removal (or attempted removal) of property from the home.
>
> In addition, there appears to be a general public perception that 'home invasion' involves an intruder who is not known to the victim.'.

In August 1999, the Office of Crime Statistics produced an Information Bulletin about Home Invasion in South Australia. In brief, the Bulletin found that, while there was no legal or even generally agreed definition of 'home invasion', some statistical conclusions could be drawn from crime statistics about the type of crime involved. Those conclusions can be summarised as follows:

- On best estimates, there were about 114 'home invasion' reports in 1997 and about 157 reports in 1998. Therefore, there has been quite an increase between those two years, but an in depth study of police incident reports is checking that conclusion.
- If a wider view of the category is taken, there were about 228 'home invasion' reports in 1997 and about 276 in 1998. Again, the detail is being checked.
- Not only are these estimates showing an increase, but reported incidents involving armed robbery showed a considerable increase between 1997 and 1998, from 42 to 80.
- It may be the case that, with the 'hardening' of targets such as banks, shops and petrol stations, offenders are looking for 'softer' targets and finding them in residences.
- It is possible that there is an under-reporting of these incidents for a variety of reasons, including the fact that the target of the 'home invasion' was an illicit drug crop or some other illegal property.
- While the media have commonly portrayed the elderly as being specifically at risk, the fact is that the 25-34 year old age group has a greater risk of being victimised.
- 'Home invasions' amount to 0.1 per cent of all recorded crime.

The Office of Crime Statistics has undertaken further and more detailed research into those basic figures by obtaining and analysing police incident reports. That analysis has shown that the bare figures noted above considerably over-estimate the quantum of 'home invasion' offending. Based on the police incident reports and the definition of 'home invasion' quoted earlier, the Office has found that, of the 157 probable 'home invasions' listed in their earlier report for 1998, only 79 fitted the definition. This is slightly more than half the previous number.

The Office of the Director of Public Prosecutions has consistently advised the Government that the level of penalties provided for by law and imposed by the courts are entirely adequate and that no change in the law is required. However, the Office of the Director of Public Prosecutions has acknowledged that there needs to be a greater consistency in charging practices in relation to 'home invasions'. Greater consistency would have a number of benefits—similar allegations treated in the same way would bring a higher level of integrity to the system and a better capacity to identify what are really 'home invasions' under an agreed definition. Accordingly, the Attorney-General has requested the Director of Public Prosecutions to consider issuing guidelines as to the charging practices to be followed by his own prosecutors and the police with respect to those allegations which could properly be categorised as 'home invasions'.

A Salisbury resident has collected signatures for a petition which asks that Parliament 'give urgent and full deliberation to amending existing legislation relating to sentences imposed on persons convicted of robbery with violence in the home. The petitioners pray that such sentences be substantially increased and therefore deter perpetrators of such crimes against the community.'. The organisers of the petition held a loud and at times abusive public meeting, estimated at about 2 000 people, on the steps of Parliament House on 20 October, 1999. While the Leader of the Opposition was invited to speak, no member of the Government was given an opportunity to respond. The petition was presented in the House of Assembly later that day. It is said to contain 102 501 signatures.

On Monday, October 18 October, 1999, the Attorney-General released a Discussion Paper on 'Home Invasion' for public comment. A copy is attached to this Cabinet Submission. The deadline for comment was November 11, 1999. The Discussion Paper contained the information noted above from the Office of Crime Statistics, a discussion of the current law on home invasion, the penalties applicable to it and applied to it, and presented and discussed the merits of three options for legislative change. Those options were:

1. A Bill to restructure the offences of robbery and burglary so that each would have a basic form with a lesser penalty and an aggravated form with a greater penalty. The aggravated form of each of these offences would include a definition of 'home invasion'. In each case, the maximum penalty applicable to the aggravated form would be 25 years imprisonment.
2. A Bill to amend the *Criminal Law (Sentencing) Act* to insert general directions about the seriousness with which 'home invasion' should be viewed by a court passing sentence. The Bill would state that in sentencing for 'home invasion', deterrence should be a primary consideration and would also make it clear that 'home invasion' was one of the general categories of offence in which a court should consider imposing a sentence of immediate imprisonment.
3. A Bill to restructure the offences of burglary and break and enter so that they would be replaced with two offences of criminal trespass, each of which would have a simple form and an aggravated form. The division would be between criminal trespass as it affected non-residential buildings and criminal trespass as it affected residential buildings. The aggravated form of the residential offence would include 'home invasion' and the applicable maximum penalty would be life imprisonment.

There can be little doubt that there are many older citizens, particularly women, who are genuinely afraid that they may become victims of 'home invasion' even though, in reality, that is unlikely to occur. Now is not the time and place to debate the very real problem of fear of crime. It is clear, though, that it can be reinforced by the media and politicians 'beating it up'. Suffice to say that it does no-one, least of all older citizens, a service by using the issue for base political motives.

The core of the problem is that there is no one, or any, simple solution. The facts are that no demonstrable flaw in current legal arrangements can be found by any knowledgeable or neutral observer. All of this has had the quite appalling effect of raising the fear of crime in those who have the least reason to fear it, and taking the debate about how to deal effectively with crime back over twenty years. Since then, there has been commendable bipartisan support for a multi-faceted approach to crime control centred on a combination of good laws, appropriate punishments, smart policing, tackling the causes of crime and a range of community crime prevention measures. The essence of the demands now being placed upon the Government are based on the assumptions that (a) passing a law against something which is already seriously criminal will significantly reduce or eliminate the problem; (b) that crime control is solely the responsibility of the Government of the day rather than being the responsibility of the community as a whole; and (c) that putting offenders into prison for longer periods of time will solve the problem. None of these assumptions is true.

However, it is quite clear that the public expects the Government to act and, accordingly, the Government has done so. The course that we have followed is to introduce two of the three Bills presented as options in the Discussion Paper on 'Home Invasions'. This Bill presents to the Parliament that option designated as Option C in the Paper.

The offences of dishonesty and associated offences contained in the *Criminal Law Consolidation Act* are archaic. They are more or less in the same form that they have been for well over a century. They need renovation, simplification and adaptation to the needs of modern South Australia. But radical renovation of a small part of these offences in isolation may carry a risk of distorting the comparative weight of penalties applicable to the offences.

The difficult part of the current penalty structure is that the present offence of burglary carries a maximum penalty of life imprisonment. It is worthwhile repeating that offence here:

Burglary

168. A person who, in the night—

(a) breaks and enters the place of residence of another intending to commit an offence to which this section applies[1] in the place; or

(b) breaks out of the place of residence of another after—

(i) entering the place to commit an offence to which this section applies[1] in the place; or

(ii) committing an offence to which this section applies[1] in the place,

is guilty of burglary and liable to be imprisoned for life.

Note—

1. *ie. larceny or an offence of which larceny is an element; an offence against the person; or an offence involving interference with, damage to, or destruction of, property punishable by imprisonment for 3 years or more.*

There are several things to note about this offence. First, it is restricted to offences which occur at night. Second, it is restricted to places of residence. Third, it is restricted to cases of break and enter, and not merely unlawful entry. In short, it looks very much like a separate offence of 'home invasion' albeit an old and imprecise one. Whether or not the offence takes place at night is, in modern times, of little consequence. It can be argued that, whether or not there is a break and enter or mere unlawful entry is now of little consequence, as the law has now evolved to a degree where it can be said that the distinction has almost vanished. It is not proposed to go into the technicalities of what is and what is not a 'breaking', because it is arguable that the distinction is no longer sensible and should be abandoned.

As the other offences (reproduced above) show, other unlawful trespass crimes attract maximum penalties which are comparatively minor—seven to eight years—when compared with life imprisonment. This Bill, then, proposes the restructure of the current sequence of criminal trespass offences, retaining the maximum of life imprisonment for the most serious of them.

The Bill proposes replacing the current set of criminal trespass offences with a new set. The new set of offences divides into three parts—serious criminal trespass of a residence, serious criminal trespass of other places, and other criminal trespasses. The residential offences are graded as more serious by the imposition of higher maximum penalties, with life imprisonment remaining for aggravated criminal trespass to a place of residence. 'Home invasion' is an aggravated feature of serious criminal trespass to a place of residence. It should be noted that this proposal in practice raises the maximum penalties for all offences which fall under the current categories, because:

- the new maxima are higher than before;
- the traditional limitation to offences which occur at night is removed, extending it to offences whether they occur during the night or day; and
- the traditional requirement of both break and enter is removed in favour of mere unlawful entry, qualified by a statutory redefinition of entry without consent.

The last two changes widen the scope of the offence whilst retaining life imprisonment, with potential consequences for sentencing.

There is one other relevant matter and that is the notion of 'minimum penalties'. Some calls have been made for 'minimum penalties', possibly even from the Opposition, although it has been difficult to discern exactly what it proposes. However, this Bill does not seek to introduce minimum penalties for the following reasons.

There is now considerable body of research that has been done on mandatory minimum sentences for serious offences. This research, from England, Australia and the United States shows that:

1. They *are unjust*. It is not possible for the Parliament to think out in advance the large variety of circumstances in which offences are committed and the variations in just desert that apply to the people who commit them.
2. They *do not work* in the way in which proponents argue that they will. Increase in sentence severity will not, in itself, necessarily lead to fewer crimes, because punishment is only one aspect of sentencing, let alone one aspect of the criminal justice system considered as a whole. A number of studies show no correlation between the rate of offending and the imposition of mandatory minima.
3. They build up various *avoidance procedures or negative consequences*. For example:
   - Since there will be no place for a discount for plea of guilty or, indeed, no incentive to plead guilty, the number of trials and appeals will increase, and, therefore, so too will legal aid costs, court backlogs, victim trauma and remand rates.
   - Courts (especially juries) will become more reluctant to convict of mandatory minimum offences. Some studies in the United States show a marked decrease in convictions.
   - Courts will oppose these measures and strive to find ingenious ways around them.
   - More depends on charging practices and plea bargains, this involving redistribution of power from courts to prosecutors (see below).
4. They *attack the constitutional structure* of the criminal justice system. There is a significant interference in the traditional and well settled principles of the separation of powers. The constitutional structure of the criminal justice system that we now have and have had since the 1820s is based on respect for a system of checks and balances in the exercise of power. Parliament, the Judiciary and the Executive each have a role in the exercise of the power of the State over the individual. Mandatory minima involve an intrusion of the Parliament into the role of the Judiciary. Experience in the United States also suggests a transfer of power from the Judiciary to the Executive.
5. They may well *increase disparity* in sentencing rather than decrease it. The effect of mandatory minima in serious cases is that power is transferred to the non-public processes of charging and plea negotiation. Hence, sentencing power is transferred from the publicly open courts to the closed doors of prosecution practices. It may also mean that some innocent people are being pressured to plead guilty because of the mandatory sentence. It also appears from American evidence that whether a mandatory minimum is applied or not is related to irrelevant factors, notably the race of the defendant, blacks being more likely than whites to receive the mandatory minimum.
6. If applied as intended, mandatory minimum sentences *increase the prison population* substantially. That may well be the intention. But it is not without its costs. Those costs are human and financial. The human cost can be summarised by saying that there is no evidence that prison rehabilitates and every evidence that it makes errant people worse. The financial costs are well known. Prison is far and away the most expensive option for punishment. In 1997-1998, the South Australian Government spent $55 772 per annum per prisoner. If new prisons are required, this figure will rise substantially.

While minimum penalties will, for some, have superficial attraction, it can be seen that in substance they are singularly unattractive.

I commend the bill to the House.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 5—Interpretation

A new definition of offensive weapon is inserted. One of the circumstances of aggravation in the new offences relating to serious criminal trespass is if the offender has an offensive weapon in his or her possession.

An offensive weapon is—

- an article or substance made or adapted for use for causing, or threatening to cause, personal injury or incapacity including—
  - a firearm or imitation firearm (*ie* an article intended to be taken for a firearm); or
  - an explosive or an imitation explosive (*ie* an article or substance intended to be taken for an explosive); or
- an article or substance that a person has—
  - for the purpose of causing personal injury or incapacity; or
  - in circumstances in which another is likely to feel reasonable apprehension that the person has it for the purpose of causing personal injury or incapacity.

Clause 4: Substitution of heading above s. 167

This is a consequential amendment to the heading to reflect the changes in the substituted sections.

Clause 5: Substitution of ss. 168, 169 and 170

168. Serious criminal trespass

This new section describes the essence of the new offences of serious criminal trespass. A person will have committed serious criminal trespass if the person enters or remains in a place (other than a place that is open to the public) as a trespasser with the intention of committing—

- larceny; or
- an offence of which larceny is an element; or
- an offence against the person; or
- an offence involving interference with, damage to, or destruction of property punishable by imprisonment for three years or more.

New subsection (2) sets out the circumstances in which a place is to be regarded as open to the public.

New subsection (3) provides that a person is not to be regarded as a trespasser if the person enters or remains with the consent of the occupier unless the consent was obtained by force, a threat or an act of deception.

169. Serious criminal trespass—non-residential buildings

This new section deals with serious criminal trespass in a non-residential building—ie a building or part of a building that is not a place of residence.

The offence will be an aggravated offence if—

- the offender has an offensive weapon in his or her possession; or
- the offender commits the offence in the company with one or more other persons.

Maximum penalties are provided as follows:

- ordinary offence: 10 years imprisonment;
- aggravated offence: 20 years imprisonment.

170. Serious criminal trespass—places of residence

This new section deals with serious criminal trespass in a place of residence—ie a building, structure, vehicle or vessel, or part of a building, structure, vehicle or vessel, used as a place of residence.

The offence will be an aggravated offence—

- in the same circumstances as apply in relation to non-residential buildings; plus
- if another person is lawfully present in the place and the person knows of the other's presence or is reckless about whether anyone is in the place.

Maximum penalties are provided as follows:

- ordinary offence: 15 years imprisonment;
- aggravated offence: life imprisonment.

170A. Criminal trespass—places of residence

This new section deals with ordinary criminal trespass in a place of residence where another is lawfully present in the place and the person knows of the other's presence or is reckless about whether anyone is in the place.

Clause 6: Repeal of s. 173

The separate offence of larceny in dwelling houses is repealed.

Schedule

The Schedule amends the classification of offences in the *Summary Procedure Act*. An offence against new sections 169(1) and 170(1) where the intended offence is an offence of dishonesty (not being an offence of violence) involving $25 000 or less or an offence of interference with, damage to or destruction of property involving $25 000 or less is to be a minor indictable offence.

The Hon. I.F. EVANS (Minister for Industry and Trade): I move:

That standing orders be so far suspended as to enable this bill to pass through all stages without delay.

Motion carried.

Ms HURLEY (Deputy Leader of the Opposition): The opposition has indicated previously that it would support and facilitate the passage of home invasion legislation, which has now been brought before the House, and I am certainly very pleased to do so. It has been a long and hard road to get to this stage but, at last, the government and the Attorney-General have succumbed to the overwhelming weight of public opinion and proposed appropriate laws to deal with the problems of home invasions. The public has every right to feel safe and comfortable in their own home. Too many people do not feel that. Too many people are nervous that their own home can be invaded. Too many people feel that, once this has occurred, the sentences do not match the gravity of the crime.

The Attorney-General, in particular, appears uncomfortable with the new provision on home invasion laws, but I am certainly glad that the views of some of his cabinet colleagues who support the new laws have prevailed. At the last state election in 1997 the Labor opposition proposed tough new laws regarding home invasions. Central to these proposals were 10 year additions to head sentences for breaking and entering offences if someone was at home at the time of the offence. Since that time not only has no progress been made in terms of reducing the number of home invasions but the actual number of home invasions has increased by close to 50 per cent between 1997 and 1998.

Community concern about home invasion has escalated dramatically, and who could blame people in view of those sorts of statistics. It is certainly a worrying and confronting crime. Recently, a petition was prepared and distributed by Mrs Ivy Skowronski and her supporters. The petition attracted over 100 000 signatures. Those signatures were collected in a very short time. I understand that the people were very happy that some action was being taken and were happy to sign their names to that petition. I certainly pay tribute to Ivy and her dedicated band of supporters for their hard work over those few weeks.

I am quite sure that, without her intervention, we would not have this legislation before us today. I am pleased that Labor was able to assist Ivy in her sterling efforts on behalf of the community. I am aware that she has ready to bring forward more than 7 000 additional signatures. Ivy's petition must be the largest in the state's history, making this possibly the greatest example of people power that we have seen. I was present, as were many members, at the rally that was held on the steps of Parliament House when Ivy Skowronski presented that petition to the Leader of the Opposition, Mike Rann.

We heard some harrowing stories about home invasions from people present at that rally. It was a huge rally. Many people in that rally were very emphatic about their need to be reassured by new home invasion laws. The people spoke and then even the Attorney-General had to listen. The Attorney-General, in response to pressure from the opposition, the media and, eventually, from his own cabinet and backbenchers distributed a discussion paper and draft legislation regarding home invasion.

Until this point, the Attorney-General, as he does with so many other issues, had been denying that there was a problem. He said that the current laws dealt with the situation adequately; but the escalation in home invasion and the increasing fear of people about the probability of home invasion gave the lie to his bland reassurances on this. Many times on talk-back radio people came forward and gave examples of home invasions that had happened to them, their neighbours, friends and families. People have come to my electorate office and told me stories of home invasion—homes have been violated by armed intruders. People were afraid to be in their own home. They wondered what our society had come to. They were dismayed that the Attorney-General was continuing to deny that there was a serious problem.

This legislation steers away from the approach of introducing mandatory minimum sentences. The opposition will

monitor very closely the effectiveness of this legislation and, if it fails to have the desired deterrent effect, we will revisit, as a Labor Party, tougher options, including mandatory minimum sentences. The key aspects of this legislation are: replacing the current set of criminal trespass offences with a new set called serious criminal trespass with higher maximum penalties; removing the distinction between night and day offences; and removing the traditional requirement for both break and enter so that the offence becomes unlawful entry. This tidies up some historical anomalies that appear in the law, and certainly we would support that arrangement.

The second set of key aspects allows for a maximum term of life imprisonment for aggravated offences, for example, if a person is involved in serious criminal trespass in a place of residence when another person is known by the offender to be lawfully present, or if the offender is reckless about whether anyone is present. Thirdly, home invasion defences are defined and the court is required to make a primary consideration in determining sentence for home invasion if there is a need to deter the offender and other people from committing such offences.

It is particularly disturbing that criminals are prepared, when they know people are home, to enter the person's house and torture or treat them in a way which in the past we have seen is so totally offensive to the majority of our population. This home invasion offence is particularly repellent to our community. The Attorney-General said that, contrary to the perception that this offence affects older people, it in fact affects younger people in greater numbers. In one sense, I do not think that matters: what matters is that the number of these offences has increased, whether they be offences against younger people or older people. It is important that in our society people in their own homes are not threatened in this way by such criminal activities. I know that it is popularly assumed—and there is some evidence to show—that a lot of these offences are linked to an increasing problem with drug habits and that some of the people committing these offences are drug addicts.

It is important to say that the opposition also supports measures that deal with drug addicts in our society and with some of the initial problems that cause offences such as home invasions. The Leader of the Opposition has seen drug courts in action, and the opposition will develop policies over the next couple of years to address the issue of drug addicts, the way they become addicts, how they are rehabilitated and how the courts treat them if they commit crime. I see that as very much a separate issue. It is unfortunate that people are drawn into a life of crime by drug addiction. But what is important is that this is a serious and heinous crime with which we as a parliament and a society must deal. If tough penalties are required to deal with and deter this crime, so be it.

The opposition is happy to see that the government has at last moved on home invasions and is pleased in a spirit of bipartisanship to cooperate in enacting this legislation as quickly as possible. There has been some criticism that perhaps the legislation is not perfect, that more time might have been required. While laws were in place in New South Wales in 1998, the South Australia government continued to drag its heels in terms of taking any action in this state. The pressure from the community is such that we need to put something in place very quickly. The opposition is very pleased to cooperate in this process and, as I said previously, to monitor these laws very carefully to ensure that they operate effectively.

Mr LEWIS (Hammond): I am fascinated by the statistics which the deputy leader has given us. Every time I hear them I am fascinated, because we focus on the statistics and not the cause. The root cause of the problem is what we ought to attempt to address, that is, the libertine values to which we have allowed ourselves to be subjected since the beginning of the 1970s. We are now reaping those oats that we sowed then. The point when we decided to take a more libertine view of how to let people behave from childhood onwards was when we started down the path that resulted in our arriving at the point where everybody is told that if you break the law and can get away with it that is okay, or, if you are caught, you take the consequences.

The number of people who have argued special pleadings about special cases to change the law in ways which water down the capacity of both the police to counsel people and send them on their way as well as—

Mr Clarke: A clip around the ears; a kick up the backside!

Mr LEWIS: Both of those and a bit more. It would save a lot of money and stop a lot of crime, especially where minors are involved. You can have me on the record on that on the front page of every newspaper around the state. I will be pleased and proud to be quoted.

Mr Clarke: What about the gallows?

Mr LEWIS: That too. If you murder a policeman, your life should be forfeited, too. If you murder anybody doing their duty in enforcing the law, I believe that your life should be sacrificed in consequence. I do not resile from that, and neither do 74 per cent of the people of South Australia: they see it the same way, and they have done so for over 10 years. If you talk about doing what the community is asking you to do, why have we not done that?

Mr Clarke: Bring back the death penalty!

Mr LEWIS: Yes. Because that is what the community is asking for: stiffer penalties. Do not tell me that deterrents do not work. Homo sapiens is a different species from the other mammals and animals, but nonetheless even low life forms that are not mammals can have their behaviour conditioned by the use of both positive reinforcement and negative reinforcement. That is the carrot and the stick. Homo sapiens is no different.

Mr Clarke: You would prefer the stick.

Mr LEWIS: I would prefer to see a more reasoned approach to the way in which the punishment fits the crime. There would not be the problems we have now if we had not gone down this pathway 30 years ago. It is not the kind of society that the people who went to the Second World War believed they were fighting to create. Ask anyone in the RSL whether they are proud of the way we in this country behave these days, whether they have had any reservations about that at any time since they returned from the war and whether they remember when they got those reservations.

There is no question about the fact that South Australia was at the forefront in leading this change in attitude towards social misbehaviour, to tolerate it and to allow people to get away with it—to the extent that they now feel that it is okay to indulge themselves by taking trafficable substances because 'they won't get hooked'. They are told that by the pusher. 'Use it socially; it's okay. You're not going to get addicted, and there are no adverse consequences.' So, no matter what it is, they do it. We have heard reports that we must make it easy for people to get heroin, to use heroin and to inject it in safe injecting rooms. For goodness sake, there was a proposition in more recent times to allow trafficking

in specified zones where the police would agree not to interfere! We have been told that it is okay to indulge yourself in your sexual proclivities to your heart's desire. So long as you can afford to pay for it, you can have it, whether it is male on male, male on female, female on female, female on male or homo sapiens on animals. That is what is happening: you can buy it in Adelaide now, and you can do it in group gropes.

Mr Koutsantonis: What?

Mr LEWIS: Tom, that is when you get together with a few other people and a couple of donkeys and a dog or two. If you did not understand, you do now.

Mr Koutsantonis: I certainly do.

Mr LEWIS: Right. Just so that we that all understand, once those kinds of behaviour patterns take a grip in the community it will not be long before the means by which something can be procured is sought by ill-gotten behaviour. We are talking about it right now: home invasion. Young people say, 'I haven't got anything; therefore, I've got nothing to lose and I'll have whatever it is I want. I want some snort, speed, angel dust, smack, heroin', or whatever. If we allow it to be done with heroin, we will then allow it with amphetamines or other volatile substances. The end consequence is that you will have to provide the same facilities for everyone concerned, according to whatever it is you choose as your poison.

I come back to the consequence of allowing that mindset to develop in the community, and I am referring to miscreants who feel that they can invade your home, Mr Deputy Speaker, my home or those of our constituents who have learnt to go about their daily business in a proper way. It is improper for the miscreants to be allowed to think that and to get away with causing trauma, injury and distress. It is a consequence and a cost that is now being visited upon us as a result of our attitude towards being a little more so-called compassionate and allowing more libertine behaviour. I never saw it as such, and I am still opposed to it today. Society is about to tell us that if we do not get relevant it will get rid of us, and that is the kind of thing that will be very important at the next election.

[Sitting suspended from 6.00 to 7.30 p.m.]

Mr LEWIS: Before the dinner break I was giving reasons why I thought that the shift we have made to the position in which we have drawn the line in the sand is the main reason why we are now confronted with this enormous problem of, as we have called it or as journalists have entitled it, 'home invasion'. The shift in the line in the sand has been in the minds of people, particularly young people as they have grown up from their childhood through adolescence to adulthood in the past 30 years, year upon year to the point where now we have the second generation of folk who were 30 years ago merely 12 years old and in their early teens. They have become parents, and their children are now in their late teens and early twenties and adopting even more libertarian views and values as to why they can do what they want to do. The line in the sand has been altered. They justify it on the grounds, as they were told by former Premier Dunstan, 'If you don't like a law you can break it if you are prepared to accept the consequences.' Of course if you are not caught there will not be any consequences.

They have also taken to the notion that they can indulge themselves with impunity. They are encouraged by pushers of drugs to believe that they are invincible, that they will not become addicted, that they will be quite safe and that there is no risk; and, in any case, if something does go wrong we are increasingly meeting the cost of their reparation—their rehabilitation—so that they can get a life or get it back, anyway. So, it is sad that we have allowed the position of the line in the sand to be changed from where it had been to where it is at present. And it is not well defined there, either.

Once they are hooked on the drug we are now telling them, for God's sake, that we will allow them to choose between entering the criminal justice system and going to prison or committing to rehabilitation, but the mistake we made there, to dwell on that for just 30 seconds, is that we are not requiring them to reveal where they got the substances to which they are addicted—to reveal who was supplying these trafficable commodities that caused the problem. Until and unless we do this and, additionally, require them to acknowledge by virtue of a signed confession that, if they breach their conditions and commitment to rehabilitation, they do not go to trial but go straight to prison; in other words, there must be an admission of guilt before they go onto the rehabilitation program.

If you do not get the information about who peddled the crack to them, or whatever else it is that they were taking, and if you do not get the additional information from them as to why they want to go onto rehabilitation as opposed to going on with the criminal justice system, they will see it as a soft option and, when it becomes difficult for them to do away with the notion of having a hit, a snort or whatever it is they seek, they will end up going back to their old habits. It will be too easy to get away and avoid the criminal justice pathway and avoid then confronting the seriousness of their state of mind. That is what it is: simply unwillingness on their part to exercise personal discipline and accept responsibility for their misconduct and for their own lives, expecting that someone else will do so.

We reinforce that by providing party packs, for God's sake. You can go to any public hospital around this state and demand, any hour of the day or night—and I have seen it happen at Murray Bridge—a party pack, that is, free frangers and free syringes. They are handed out and we pay for them. What is the message that those young people are getting?

Mr Hanna: Don't get AIDS.

Mr LEWIS: Don't get AIDS? Some of them are so miserable that it might probably help for a few of them to get it and for all to see the consequences, because in any other circumstances—

Members interjecting:

Mr LEWIS: They are not accepting responsibility. It is not the sweat of their brow and the stress on their sinew that produces the dollars that enables them to indulge themselves in that way. They will get their free party packs and if that is not enough and they want a hit and have nothing they will smash down the door, gemmy it open or go through the window and steal whatever they can lay their hands on in your house, my house or our mothers' or fathers' houses and simply sell it to the bread cart for as much as they can get. That is what comes through Murray Bridge—a double horse float—every so often to pick up the goods. The word is spread around that the bread cart will be in town tonight. Immediately we know there will be mass house breakings once that word is out. That is appalling.

The police cannot do anything to stop it; they have to catch people in the act of selling stolen goods. There is no law against someone stopping in a place where it is legal to park with their four-wheel drive and a double horse float

behind it and buying goods at 10 o'clock or midnight. We have done away with loitering laws or anything like that which might be suspicious. We have to catch them in the act of conducting a transaction using stolen goods. We have to know that the items they are selling have been stolen, and the police cannot do that. They might have suspicions, but it is still not enough. The problem that this legislation seeks to address has its origins in other places and the cure is not just this legislation. This is the sop to the public, but it is not the cure. The problem will continue.

This is too much stick in the wrong place. It addresses the symptom. We have to address the cause, and that does not involve social workers telling people, as was the case in *West Side Story*, how to rejig their mindset. That will not work. They need to spend five or six months out on the banks of the Cooper Creek next to Policeman's Hole where they grow the vegetables they need to eat and catch the fish they need as protein for sustenance, and do the work necessary to sustain their lives, look after their own domestic premises and, if they do not, suffer the consequences.

Mr Koutsantonis: What are the consequences?

Mr LEWIS: The consequences are likely to be malnutrition and illness, the same as was visited on Burke and Wills when they refused even to contemplate making contact with the native people and learning how to live in the bush. They died. Tough! Agape love is what is necessary—a bit of tough love. If you do not eat, eventually one way or another you will die, so you had better get to work and get something together so that you can eat. It will be easier for you if you learn to cooperate with other people. I am quite sure that an extension of the Operation Flinders program for most of these people would be a better answer for them in that they would learn what it is like to have to be totally self-reliant and careful with your strength dawn till dusk, and get into bed and get a good night's rest so that you are fit to get on with the job of making what you need to live tomorrow and the next day and doing things while the opportunity presents itself.

After all, 90 per cent of this world's population has that as a constraint. Just because our forebears had superior weapons and communications technologies 200 years ago when they settled this continent, in spite of who was living here at the time, and just because we could take the land from them and then refuse access and entry to others by maintaining this low density of population and enjoying the exploitation that we have made of its natural resources to provide us with a high standard of living, is no reason to suppose two things. First, that it will go on forever just because it went on yesterday; and, secondly, that, in any sense, is justifiable for us to imagine that the state of nature is there at our bidding and for our sakes and that, accordingly, our children can expect someone else will take the risk, do the work and provide and they can go on indulging themselves in doing things, which, ultimately, result in their being quite amoral, because I do not think most of them realise they are being immoral. They are amoral.

Mr Foley interjecting:

Mr LEWIS: The people who engage in housebreaking (as we call it now home invasion)—I do not think they realise that. Half the school teachers you talk to do not understand it. It would be a good thing then, if they were required to understand it by taking a trip into reality and doing as the people who lived in this country for thousands of years before Europeans arrived had to do. That is, doing it tough, making sure in the morning when you get up when the sun gets up that you are quick enough and still have enough energy left over from yesterday's meals to run down your next meal, or otherwise you will starve to death.

A little bit more of that would help those people presently committing these crimes of home invasion with increasing monotony to come to terms with the fact that no-one in this world has any rights unless everyone, including them, accepts responsibilities. That is the burden of the message that I want to give to the wider community of South Australia through having participated in the opportunity to contribute to this debate. Whether or not it is seen as entertaining by those members who may be listening or read it later, I do not mind, because it is my sincere and heartfelt view of the way to deal with the problem and not as this legislation seeks to do, and that is, treat the symptom.

Mr KOUTSANTONIS (Peake): I disagree with the member opposite: I believe his speech was informative, not entertaining. I am glad to see that he is here informing us all on exactly how we should be raising our young people. This home invasion is a serious issue within our community and this government has ignored it from the day it entered office. From 1993 until now it has done nothing. This Attorney-General has been a lawyer's apologist from the day he was sworn in. It is only because of the efforts of the Labor Party in embarrassing this government into action and showing this government and the member for Hammond to be bereft of any real compassion for people who are involved in a home invasion. Home invasions are the worst type of violation that can be inflicted upon a family. Just imagine the terror and horror.

Mr Clarke interjecting:

Mr KOUTSANTONIS: Can I have a bit of protection, sir? Imagine sitting at home with your family watching the television or enjoying dinner and someone enters your home armed, ties up your family, steals your goods, assaults you and then leaves. We have the Attorney-General saying it is not a problem, that in fact crime figures are down, and that it is not likely to happen to you. It is not likely to happen to the Attorney-General or to people who are very wealthy because they can afford the defensive systems—the security gates, the alarm systems and the private security guards patrolling their exclusive streets. The people who are at risk are the elderly, the frail and the people who cannot afford that type of protection.

The most disturbing thing about this crime is that the criminals who are committing these crimes are preying on the vulnerable. They are preying on our elderly who cannot defend themselves. The following is not an example of a home invasion but another example of a crime. Only recently in my electorate an 85 year old woman was assaulted on Henley Beach Road outside the Thebarton theatre in broad daylight by a young man trying to take her handbag. This woman, raised in a different time from us and with a different upbringing, resisted. She would not give up her bag. This young man hit her on the arm with a crowbar. She still refused to give up her handbag.

She was going to work as a volunteer at the local Church of Christ sale that they have every Friday on Henley Beach Road. She was giving up her time to raise money for charity. She was assaulted in going about her daily business. If it was not for a taxi driver who was driving along and saw this crime and who pulled over and apprehended this crook, she might have been very seriously injured. Thank God for taxi drivers! The worst part about that crime was that that taxi driver called 11444 and it took an hour for a—

An honourable member interjecting:

Mr KOUTSANTONIS: An hour for the patrol car to arrive. The taxi driver was so upset about having to wait an hour, he decided that he would exercise his democratic right. He said, 'I am ringing up the minister for police. I will let him know exactly what I think of this government's law and order policies. I will let this government know exactly what I think of its community safety.' He rang up the minister's office and explained the situation of this 85 year old women, the police having not yet arrived, having the culprit who assaulted this woman and waiting for the police. The response was, 'Put it in writing.' That is code for 'Go away; you do not live in my electorate; we are not interested.'

An honourable member interjecting:

Mr KOUTSANTONIS: The minister's electorate office. That is the code for this government's not caring because, if this government was serious, Ivy would not have been outside Parliament House with all those signatures and all those people. We would not have had people such as McClusky, Pilko, Bob Francis and other radio station personalities urging people to sign a petition. We should not be in that situation. The government should not need to be told by the people what it should already know.

The problem is that we have an Attorney-General who refused to act not because it was good politics but because he does not believe the argument. He does not believe home invasions are a problem. He has a fundamental problem: he does not relate to ordinary people. He does not understand their concerns. He is so far removed from the electorate and reality that it probably took lower house members insisting to cabinet that something had to be done. If we had left the decision to the Attorney-General on his own, I guarantee members that today this legislation would not be before the House. This government has had six years of being warned that this new crime is growing and growing, and every time we made that argument this government did not listen.

This government refused to listen. It accused the Labor Party of scaremongering. It accused the Labor Party of being right wing on law and order policies, of scaring old people in their homes. We are not scaring old people in their homes; they are already scared. They know that the government is not recruiting police officers beyond attrition; they know that it has slashed the police budget; they know that the government is not serious about crime. It is not us scaring them. They are not silly about crime: we cannot fool them and the government cannot fool them. They know what the real situation is. I recently visited 40 country police stations with the shadow Minister for Police and, in one police station—

Mr Clarke interjecting:

Mr KOUTSANTONIS: Forty country police stations. We were told that rather than call the local police, who are so under staffed, locals call the SES or the CFS because they get a quicker response from them than from the police department. We were told horror stories of police officers who have to paint their own offices, of there being no relief, no replacement staff for nine months. If an officer goes out on maternity leave, that officer is just not replaced. In some places four wheel drives have been taken away from police officers and they have been issued with ordinary Commodores that cannot go off the tracks. We have been told about police officers who have been told that, rather than do their job of enforcing the law and policing, they have to sit on the side of the road with a speed gun and raise revenues. They are given such directives.

This government was embarrassed and humiliated into acting and that is the worst thing about this government: it will not act out of principle, it will not act out of conviction. It will act when the people push because, after the results in Victoria, government members know that South Australians and Australians are ready to punish governments that do not listen. They are ready to punish and throw out governments that are perceived as being arrogant, and this government stinks of arrogance. This government's arrogance is so high that for the first time in this parliament the opposition had to move a motion of no confidence in the Premier and Treasurer, something we did not do lightly.

This government is so bereft of any policy initiative that the parliament is rising for four months. It is a disgraceful waste. Our job is to govern, not from Executive Council but from parliament. This parliament will not sit for four months because this government is running scared—scared of parliament, scared of scrutiny, scared of being a transparent, open government. That is why people like Ivy had to resort to doorknocking homes to get a petition signed to change the law—because the Attorney-General would not listen.

Even if the Attorney-General resigned tomorrow, there are plenty more lawyers in the upper house who have exactly the same views as he has ready to take his place, namely, Robert Lawson and Angus Redford. They are lawyers' lawyers and they do not believe that home invasion is a problem. They have been forced into it by lower house members who regularly doorknock and keep in touch with their constituency, and who understand the needs of the people.

I cannot believe that it is now 1999 and this government is finally acting. The government is always saying that Labor is a policy-free zone. The policy the government is introducing today is basically our policy that we took to the last election. We were open and honest at the last election. We were not scaremongering and we did not say that crime is not a problem. We understood the community's needs and concerns. We acknowledged the unfair perception that crime is getting worse.

No matter which generation I talk to, I find that people always think that, when they were younger, there was less crime, politicians were more honourable, the papers were better and more informative, and I am sure that every generation thinks that its time was better. My point is that this government did not act without people like Ivy and the Labor Party telling it that it had lost touch. The essence of this legislation being forced on the government is that it has lost touch, that it is out of touch.

It does not understand the needs and concerns of the electorate. That is why it will be swept from office at the next election. That is why the backbenchers are nervous; they know they will lose their seats. That is also why the government is worried about its bush electorates; after all, it has already lost three and it is a minority government. It has already lost three because of its incompetence and it will lose more. The first to go will be the member for Hartley. He will be gone at 6.05 p.m. on election night. Brokenshire the tax man will be gone next. He will be gone at about 6.10 p.m. He is the type of guy who would volunteer for a firing squad, and stand in front of it rather than behind it.

Mr Wright: That's two.

Mr KOUTSANTONIS: Yes, that is two. The Minister for Education will be the prime scalp that we will get. We will know that he has gone by about 6.30. I am sure that an excellent country Independent, or a National Party member, will do a great job in the electorate of Flinders, a person who

will be eager for our preferences in Port Lincoln, who will be eager to expose how this government has left the bush and regional areas behind, because it has. The member for Schubert might survive, and I hear that he might be joining the National Party. I also hear that there are very good Independents in the Government Whip's seat, as well, who are keen to meet farmers and local residents. The member for Stuart will be gone. We are going to end his 32-year career abruptly in 2001 or 2002, whenever the government goes to the election.

Mr Clarke interjecting:

Mr KOUTSANTONIS: The Labor Party will win the seat of Ross Smith convincingly; I have no doubt about that whatsoever.

Mr Snelling: Davenport?

Mr KOUTSANTONIS: No, Davenport has a fairly good local member. The member for Davenport is pretty hard working and I think he will be okay. He is in touch with the local community.

Mr Wright: What about Morphett?

Mr KOUTSANTONIS: No, unfortunately we are losing a very good member of parliament in Mr Speaker, and I am not sure who will replace him there.

Mr Wright interjecting:

Mr KOUTSANTONIS: No, I am sure the Liberal Party will win that seat because of the hard work the Speaker has done in that electorate. He is a household name. One person who will not be returned to this place because his government is out of touch is the member for Unley.

Mr Wright: He's gone?

Mr KOUTSANTONIS: It will not be his electorate that does it: it will be his own party. They are lining up all the way from my electorate up to Unley Road and, unlike last time, his good friend, colleague and comrade in arms Dean Brown will not be there to help him. He might have the member for Coles to help him.

The Hon. I.F. Evans interjecting:

Mr KOUTSANTONIS: If we are talking about being out of touch, let us talk about how out of touch this government is. After being embarrassed into bringing this legislation forward, after being humiliated by a pensioner who went about taking this government to task for its inaction and showing what people power can do—

Mr Snelling: Dragged kicking and screaming.

Mr KOUTSANTONIS: —this Attorney-General was dragged kicking and screaming to the table. He must stay awake at night thinking, 'I can't believe Michael Atkinson is going to win on this bill. I can't believe that the Labor Party is going to get what it wants on home invasion.' But that is because we are in touch with our communities, we are in touch with what ordinary Australians believe in and stand for, and we know that they think home invasion is a serious crime. That is why we are supporting this bill.

Mr MEIER (Goyder): I compliment the Attorney-General on introducing this bill, and I am sure that members are aware that it is one of two bills on this matter. Whilst we are dealing with the Criminal Law Consolidation (Serious Criminal Trespass) Bill at present, I am sure that members appreciate that it would only be right and proper to refer also to the Criminal Law (Sentencing) (Sentencing Principles) Amendment Bill at the same time.

Members have already highlighted the fact that these latest moves were enacted because of pressure from the community generally, and I guess that is how most legislation occurs and that is the correct way to bring in legislation. On many occasions I get very upset when legislation is introduced that is not really needed. We need to consider what the current situation is without these bills. Principally our current laws relate to two key acts—the Criminal Law Consolidation Act and the Summary Offences Act. Whilst home invasions have been highlighted and made a special area of interest in recent times, we should note that currently under the Criminal Law Consolidation Act entering a place of residence to commit an offence—

Members interjecting:

Mr MEIER: I am pleased that those members are so interested there. As I was saying, entering a place of residence to commit an offence is already an offence for which a person can face imprisonment for three years or more. So it is not looked upon as a minor transgression. Likewise, under the Summary Offences Act, trespassing on a premises is an offence, liable to a division 7 fine or imprisonment. However, I point out that, under the Criminal Law Consolidation Act, entering a place of residence to commit an offence refers specifically to larceny, an offence against the person, or an offence involving interference with, damage to or destruction of property. So, the legislation is fairly specific in the way in which it deals with offences.

Therefore, I wish to compliment the Attorney on bringing in a new clause involving this serious criminal trespass. Clause 170(1), relating to 'serious criminal trespass—places of residence', provides that a person who trespasses in a place of residence is guilty of an offence if another person is lawfully present in the place and the person knows of the other's presence or is reckless about whether anyone is in the place, the maximum penalty being imprisonment for three years.

So a significant step forward is being made. Anyone entering a residence, without specifically intending to commit an offence, will now be guilty of an offence. And I say Hoorah! It should be the case. By way of example, a lady in her 80s went into the spare bedroom in her house and noticed that the door seemed to be slightly more ajar than usual. She looked behind the door and was confronted by an intruder. Thankfully, she kept her peace of mind and simply said to the intruder, 'Get out of here!' The intruder did not assault the lady. He came from behind the door, raced down the passage and out of the house. She was very lucky to escape without being assaulted. My interpretation of the current law is that he would not have committed an offence. However, clauses in the bill clearly provide that that person will have committed an offence and will be liable for up to three years' imprisonment, and that is excellent.

By way of further example, an elderly gentleman was in his place of residence. He had not heard any sound. He went down the passage and, as he entered the kitchen, he was approached by a man. The elderly gentleman asked him, 'What are you doing in here?' The intruder said, 'I found this key near the front of your place; it must be yours.' The elderly gentleman was taken aback and said, 'I don't think that it would be our key.' The intruder said, 'Yes, it must be your key; I found it near the front of your place.' The intruder suggested that the elderly gentleman try it in the various door locks, which he did, including an adjacent door, which led to a flat that was part of the house. However, the elderly gentleman could not make it work on any of the door locks and said, 'I'm sorry, but the key must not be mine. It can't belong to this house.' The intruder said, 'That's interesting, but keep the key, anyway.'

Some time later, the elderly gentleman retried the key and found that it actually did fit the spare room door. However, in his haste at the time, he had not been able to make it work. In other words, that key had been either stolen or found, and the intruder was in the house with the definite intent of trying to get into an area that is normally locked, and he would have succeeded had he not been approached. Again, the new legislation makes very clear that this would be an offence, punishable by up to three years imprisonment. Again, I compliment and laud the Attorney for taking this course of action.

I will cite yet another similar example, but on this occasion a person came to the back door of the house and said that he had found a purse near the front of the house. He suggested that the purse must belong to the people in the house. (We should remember that it is somewhat unusual to return a purse, anyway.) One of the people in that house said, 'I don't think it is ours.' They opened the purse and found that it was full of 5¢ pieces. The person who brought it to the back door said, 'I'm sure it must be. You keep it and check it out, and I will come back in a few days to see whether you have found the owner or remembered that it is yours.' That person came back a few days later, but this time to the front door and asked, 'Have you determined whether that purse is yours?' The lady of the house said, 'Yes, we've determined that it is not ours.' The person asked, 'Can I have the purse back, please?'

So the old lady went down to the back of the house to get the purse. When she came back to the front door, that man was already to her bedroom. She asked, 'What are you doing in the bedroom?', to which he replied, 'I'm sorry; I was just following you down. I thought you may have been delayed or something.' Again, it was a clear case where he undoubtedly was going to commit an offence but had not done so because the old lady returned in a short period of time. Under current legislation, it would be very difficult to sustain an offence against such an intruder. However, under the new legislation it will be quite possible. In fact, it meets the criteria of seeking to protect people in their home. In other words, this legislation will seek to ensure the sanctity of the home, and I warmly applaud it. I mentioned earlier the Summary Offences Act that currently applies. Section 17A, relating to trespassing on a premises, provides:

> Where a person trespasses on premises and the nature of the trespass is such as to interfere with the enjoyment of the premises by the occupier and the trespasser is asked by an authorised person to leave the premises, the trespasser is, if he or she fails to leave the premises forthwith or again trespasses on the premises within 24 hours of being asked to leave, guilty of an offence.

Some members here may recall when this came in, because it was designed principally to seek to restrict the ability of people to go onto properties to harvest or pinch magic mushrooms, which gave them some sort of a lift. However, this legislation can also be used to ensure that people who gatecrash a party (in other words, when they interfere with the enjoyment of the premises by the occupier) are committing an offence. I know one of my colleagues asked whether the new legislation would help him restricting gatecrashers at parties. The answer is that there is no need for new legislation, because it is already enshrined in legislation.

That brings me to the point of some of the criticism that has been levelled against the Attorney-General and, by implication, against the government in people saying, 'You are really reinventing the wheel. You already have satisfactory legislation to stop home invasion.' In response to that, I say it is quite clear now that a new offence of simple trespass is created in these home invasion bills—quite clear without any question at all—and, in fact, the penalty is significant; in other words, up to three years' imprisonment. The old legislation with respect to trespassers on premises (which left serious doubts whether it could be implemented) had a much lower penalty, namely, a division 7 fine or a division 7 imprisonment, which equates to up to a $2 000 fine or up to six months' imprisonment. Again, this government has made it very clear that it has come down much harder in the area of penalties.

I make no apologies to those who have criticised this legislation. Certainly, there are elements in the current legislation that have sought to penalise people who have committed offences, but it is now made abundantly clear in the two new bills that anyone invading a home will be guilty of an offence, and the place of residence is specifically identified. So, they will not be able to use any excuses before the courts—and the lawyers will have to be pretty clever to try to convince judges that their clients were there for some other purpose. It should also be remembered that this new bill—namely, the sentencing act part of it—identifies specifically a home invasion offence as being an offence of either:

> 1. larceny or an offence of which larceny is an element; an offence against the person; or an offence involving interference with, damage to, or destruction of property punishable by imprisonment for three years or more.

Again, whilst that is a repetition, to some extent, of the Criminal Law Consolidation Act relating to entering a place of residence, it is made abundantly clear through the additional mention of criminal trespass in places of residence, as I quoted earlier: a person who trespasses in a place of residence is guilty of an offence if another person is lawfully present in the place and the person knows of the other's presence or is reckless about whether anyone is in the place. It is also clearly defined in the legislation now that a primary policy of the criminal law is to protect the security of the occupants of the house from intruders. I believe that the Attorney has come to the nub of the problem. He has identified the key factors that have caused some concerns and he has gone a long way to making sure that people are protected in this area.

But let us be quite honest. One can have every possible law that can be imagined to seek to protect people, but we still have to work on the problems that beset society, and there is no doubt that drug abuse is one of the key ingredients there. The ease of access to some homes is another great problem. But I will not give a lecture on that, because I suppose that goes back to earliest biblical times when offences were committed, and we have simply inherited some of those offences through to today. I certainly support this legislation and trust that the House will ensure its speedy passage.

Ms RANKINE (Wright): There can be nothing more terrifying or unnerving than arriving at your home and seeing that it has been broken into. It is an amazing invasion. A little over 12 months ago, I left this House and arrived home at quarter to 12 to find my home ransacked. It is an awful experience, and it is happening to far too many South Australians.

Hundreds of people in my electorate signed Ivy Skowronski's petition. I believe that was an indication that they are concerned. They are concerned about the increased

rate of crime in our community; they are concerned about the increased rate of people's homes being broken into and their being badly assaulted. I can only imagine how terrifying that must be. A little over 12 months ago a resident of my electorate was nearly killed as a result of a crossbow attack. This resident was a father of five children who was walking outside his home to try to shoo some obvious breakers away from the house. He was shot with a crossbow and nearly bled to death.

The crime rate in our areas is rising all the time. The result is that Ivy Skowronski, an elderly lady, went out and canvassed members of our community and they registered their concern. They wanted the government to recognise that, in fact, they were fearful. They wanted government members to say, 'This is not good enough and we are prepared to do something about it.'

For two years I have been telling this House and the ministers responsible that their Focus 21 program has been an absolute, miserable failure. Focus 21 has not been about making our community safer and it has not been about doing things better. It has simply been a cost cutting exercise, which has meant that our police have had fewer resources with which to work and our community has suffered. Policing numbers have been reduced, police stations have closed and cars have been withdrawn. The police commissioner said, in answer to some questions in the Estimates Committee that, ultimately, the effectiveness of the police department is determined by how safe the community in South Australia is in terms of road safety, crime, public order and so on. I could not agree with him more. But he went on to say that Focus 21 was a success, because they had expected the crime rate to increase by 15 per cent, and then it was only expected to rise by 10 per cent. That is cold comfort to the increasing number of victims who suffer house breakings, robberies and other violent crimes.

I put a series of questions to our current minister for police in relation to policing resources, and I have recently been provided with some answers. I have been told that the Plympton police station has been turned into a shop front police station; that the Para Hills police station is a shop front (the Tea Tree Gully patrol base operates from there, but Para Hills is now a shop front, and very often it is not open); St Agnes is now a shop front; and Lobethal, Summertown, Clarendon and Willunga police stations have closed.

The minister went on to tell us that, to date, the Focus 21 program has completed 53 major reviews and projects. With the exception of the outcome of the redeployment of resources project, none of the other Focus 21 projects to date have resulted in the closing down or disbandment of police stations or patrol bases. They have already closed three, turned a number of others into shop fronts, transferred others and are clearly working to close them down, but they tell us that the other projects have not resulted in the closing down or disbandment of police stations. We can be truly grateful for that.

I asked the minister whether this year he was going to withdraw more police vehicles from our police force. Last year it was nearly 10 per cent. He explained that the department is currently undertaking a review of motor vehicles—again—and part of this review involves the potential for some vehicles currently assigned to non-operational areas being relocated to operational areas. The final outcome of the review is not known at this time. That is the key to that answer, is it not? What is to happen? How many more patrol cars will be pulled off the road? We now have the minister complaining that response times are up. How could they be anything else, when this is the program that the police force has been forced into? The visibility of police is of paramount importance in addressing crime. When people see police around, it is one of the greatest deterrents ever.

The situation in my electorate, to which I have referred in the House on numerous occasions, is that no patrol base operates in the area which it services. I have spoken and written to the minister advising him of land in Golden Grove that is owned by the government. It is owned by one of the local schools and is in a prime location. It is on a main road and is adjacent to three high school campuses. It is there for the taking. What has happened? Absolutely nothing. Instead, the minister sends me a three paragraph letter saying that the department is still looking at crime factors and all relevant matters will be taken into account before any sort of decision is made.

The school needs the money for this land so that it can build a multipurpose hall. If the minister does not grab it soon it will be gone for all time and this government will end up looking very silly. For two years I have been telling this government that Focus 21 does not work. Finally, the government has accepted that something is wrong and a task force has been established. Crime rates in our community, as I said, are continuing to rise. It is interesting, however, that the focus is shifting. The government and the hierarchy of the Police Department are trying to shift the blame to the community. The community must participate at a far greater level, but let us look at the crime rates for this year.

In Salisbury, the area in which Ivy Skowronski lives, offences against the person have increased 11 per cent; offences against property have increased nearly 16 per cent; and offences against public order is the only area in which crime has decreased—and that is by a measly .127 per cent. Overall, crime has increased in the Salisbury area by 10 per cent, and that is in the context of the Salisbury police station being downgraded to a subdivision, the Para Hills patrol base being disbanded and a number of officers transferred out of that area. What is the result of Focus 21? Crime is up. However, after the Salisbury police station was opened and two patrol bases were operating in that area—

The Hon. I.F. EVANS: Sir, I rise on a point of order. The honourable member has been speaking for eight minutes and she has not mentioned the name of the act, home invasion or anything relevant to that matter. We are getting a summary of police resources.

Ms RANKINE: It is very relevant, absolutely relevant.

The SPEAKER: Order! I am not upholding that point of order. However, I ask the honourable member to be mindful of the bill.

Ms RANKINE: I understand that it is very embarrassing for the government and for this minister to sit there. Focus 21 was his baby, so I can understand why he is so embarrassed about it. When two patrol bases were operating in the Salisbury division there was a 4 per cent drop in reported crimes; a 10 per cent drop in disorderly behaviour; a 10 per cent drop in drug offences; and a 35 per cent drop in break and enter of homes. No wonder the minister is embarrassed. As I said, the government is trying to shift the blame to the community. It is trying to say, 'Come on, it's your responsibility as well.' The government has a clear responsibility in this area.

On 30 October I attended a Neighbourhood Watch seminar held in Salisbury. These people are committed to their area and to their neighbours. They are concerned. They

should not have the responsibility for increased crime pushed onto their shoulders. The government has—

Mr Williams: What's the answer?

Ms RANKINE: You do not address community crime by reducing policing resources. The government has reduced the resources and crime continues to escalate. In the two years Focus 21 has been in operation crime has increased. The figures speak for themselves—figures straight out of the police department's report. They are not my figures: they are the government's. I did not go out and sign 100 000 signatures on Ivy Skowronski's petition. The community is frightened. They want to be protected. They want to see police in their streets. That is what they want to see.

Mr Williams: We don't want simplistic answers.

Ms RANKINE: This is not simplistic. You know what simplistic is.

The Hon. I.F. Evans interjecting:

The SPEAKER: Order!

Ms RANKINE: What about your riding instructions—

The SPEAKER: Order! The honourable member will direct her remarks through the chair.

Ms RANKINE: You may well talk about riding instructions. The minister had to hold up his folder so that the member behind him could read his notes. So, do not give me anything about riding instructions. The member for MacKillop has made simplicity an art form in this House. The government has a clear responsibility to keep this community safe. Ivy Skowronski collected these signatures because there was real and genuine concern in the community. People are concerned that this government is seen to be doing nothing. If the government had shouldered its responsibility there would not have been the need for this legislation in the first place.

The community and Ivy Skowronski cannot do this alone. They need a supportive government that has in place measures ensuring that people are protected in their homes; that we do not have a society that is forced into taking these sorts of actions. I commend Ivy Skowronski for her efforts. Let me say just how saddened I am that she had to take such action and that we have had to deal with this legislation. I support the bill.

Mr VENNING (Schubert): I support this bill. I believe in the absolute sanctity of the home. A man's or woman's home is their castle. It is a person's natural right to feel safe and secure, not only out and about on the streets but, more importantly, in the confines of their own home and property. As a person who has lived most of his life in the country I do feel safe in my home and that is because we are isolated; but when one sees what is happening in the city now, and in some country areas in relation to home invasion, it is rather unnerving, even for those who are younger, fitter and able to protect themselves.

It is unnerving when you hear noises. Often your wife or daughter are home on their own and that does cause great concern. It is a natural right to feel safe and no-one should be allowed to violate that right. If someone chooses to do so they should be harshly dealt with and not treated in such a way, as often happens at the moment, that either nothing is done to an intruder or very light penalties are imposed. Usually the person committing the offence serves only half their sentence anyway. I know of instances where an elderly couple working together in their front garden, with the back door of their house left unlocked, have gone back into the house and found someone wandering around inside.

I know that the member for Goyder has spoken about this issue. No-one has been physically violated and nothing has been stolen yet, and when challenged the perpetrator makes some excuse for being in the house, such as, 'I thought I was in someone else's place. Sorry.' And they walk out scot-free. I believe that what the member for Goyder is promoting is absolutely correct, particularly in relation to clause 170, which provides that a person who trespasses in a place of residence is guilty of an offence 'if another person is lawfully present in the place and the person knows of the other's presence or is reckless about whether anyone is in the place'.

I applaud the member for Goyder for including that in the bill and working to bring this about. In 99 per cent of the cases, that person enters a home with the intention to steal: we all know that. Whether they injure the occupants is another matter but they are there to steal. They may try to lie their way out of it but that does not wash any more and they should be charged with an offence. I know that some members of the broader community, particularly some members of our legal fraternity, have stated that the government has overreacted by introducing this legislation. I know that lawyers, through the media, have put up a very strong case in terms of suggesting the government's overreaction.

All I can say is that they live in cloud cuckoo land. They ought to get out on the streets or listen to the radio at night. I have a lot of admiration for those people who have taken this action and made this happen—not only members of parliament but the people in the streets. We have not overreacted in this case. The situation had been slowly building and, in the end, enough was enough, and the majority always rules, even in this place. We got the message very loud and clear (I did) from a large contingent in the community. We would be negligent in our duty, having been elected to this place at the will of the people for the benefit of the people, not to act in the manner in which we have acted by introducing this legislation.

If we cannot protect individuals from those who choose to assume a predatory nature, we need to reassess why we are here. I know a member in another place who, while debating this bill, put a quite obscure hypothetical argument about a domestic dispute over a toaster. This fails to realise the actual intent of this legislation. As I said previously, everyone, especially the aged, the weak, the frail and the handicapped, has every right to lawful protection against criminal trespass on their home property.

Sometimes I believe that members of parliament think they know better than the population at large. Sometimes MPs choose to ignore public opinion because they feel that everyone else has it wrong. I do listen to Bob Francis. I smile when I listen to some of the subjects debated on his program. As I have a long journey to Adelaide—and often it is the only station worth listening to at that hour of the night—I have to listen to what is being spoken about. In all of 1999 no other issue was so prominent and paramount as this one. No other issue had as much air play as the one relating to Ivy Skowronski's petition. When I first heard her I thought, 'Here is the voice of the people.' It is great to see that in this day and age one person, a person like Ivy, can make a difference. I have always said to anyone in any position in life, 'At the end of your day you have to ask: have I made a difference?' All I can say about Ivy is that she certainly has. All credit to her. I heard her the other night: she was certainly very humble and has certainly caught the imagination of the people. We must act on issues such as this, put much greater disincentives

in place but also address the causes. The causes are very complex and numerous, including drugs, crime, organised crime, family breakdowns—and the list goes on.

When I travel in taxis, this is the issue that is readily brought up as soon as the taxi driver knows either who I am or what my job is. I spoke to the member for Hartley about this the other night because an old friend of his drives a taxi and recognised me when I was in his cab. The first issue he mentioned was that the government had to address home invasion—

Mr Scalzi: And we have.

Mr VENNING: And we are doing so. As we go about the community, this issue is always raised. I am in favour of increasing penalties right across the law and order scene. We need steeper penalties for habitual criminals. I am already on the public record as being a supporter of capital punishment for the most heinous of murders, acts of terrorism, police murders, etc. I am positive that well over 60 per cent of the population would support the idea of at least having a referendum on the reintroduction of capital punishment: the ultimate penalty for the ultimate crime. Again, it is all about making the penalty fit the crime.

Why do we as politicians think we know best? It has taken a while for home invasion legislation to be introduced, but I am very pleased to support it. I applaud and appreciate the involvement of all my colleagues, including the Attorney-General. Let us hope that legislation such as this can stem the tide so that people can at least feel safe in their own homes again. I certainly support the bill.

Mr HANNA (Mitchell): The government has introduced a bill to create a new crime of serious criminal trespass. The government has done this in response to a community movement which culminated in a petition of over 100 000 signatures being presented to parliament by the Leader of the Opposition, Mike Rann. In dealing with the government's approach to this issue, I should highlight a passage from the speech the Attorney-General gave when he introduced this bill, as follows:

> The facts are that no demonstrable flaw in current legal arrangements can be found by any knowledgeable or neutral observer. All of this has had the quite appalling effect on raising the fear of crime in those who have the least reason to fear it, and taking the debate about how to deal effectively with crime back over 20 years. Since then, there has been commendable bipartisan support for a multi-faceted approach to crime control centred on a combination of good laws, appropriate punishments, smart policing, tackling the causes of crime and a range of community crime prevention measures.
>
> The essence of the demands now being placed upon the government are based on the assumptions that (a) passing a law against something which is already seriously criminal will significantly reduce or eliminate the problem; (b) that crime control is solely the responsibility of the government of the day rather than being the responsibility of the community as a whole; and (c) that putting offenders into prison for longer periods of time will solve the problem. None of these assumptions is true. However, it is quite clear that the public expects the government to act and, accordingly, the government has done so.

The conclusion I draw from that passage is that the Attorney has been dragged into this debate and has acted most reluctantly. The end result is a half-baked measure. It was interesting to hear a number of government members sing the praises of this bill. I can tell those members and the public that this bill will do absolutely nothing to lower the crime rate. This bill will do absolutely nothing to lower the likelihood of home invasions taking place. It is a sop to the public. It makes fools of the public by purporting to be a fix. That is the best the government could come up with.

I will not speak for long, other than to conclude that it is a most unsatisfactory measure, which pleases no-one. The public, which has called for harsher penalties for those who break into people's homes and bash them, is not satisfied by this bill—nor is anyone else satisfied, except for those smug politicians on the Liberal Party side who say, 'The government has done a great job in producing this bill and it will solve the problem.' How facile and how foolish! They are deceiving themselves perhaps as well as deceiving the public. What contempt members opposite must hold for the public if they think that this bill will fix the problem raised by Ivy Skowronski and the people who so sincerely and with concern signed her petition.

In conclusion, I state that this bill is utterly unsatisfactory. It will not do a thing to lower the crime rate or to alleviate the problems faced by the dozens—not just several—of South Australians affected by these types of crimes each year.

Mr SCALZI (Hartley): I, too, wish to make a contribution to this important debate. There is no doubt that there is a perception in the community that there is a serious problem with home invasions as defined and with a person's right to privacy. A lot of elderly people—and, no doubt, they speak to members in their electorate offices—are concerned about security in their homes. I know, for example, that my mother was burgled this year. I could give many more examples where people's loved ones have been subjected to a 'home invasion', as we seek to provide for in this definition. It is particularly serious because of the special place that the home should be.

Nevertheless, if we look at statistics objectively we know that it is not limited to the elderly and, although there has been an increase in that type of offence, it is not to the extent that some people would have us believe. Nevertheless, we have to deal with the problem because, if there has been any increase, it is an increase we should look at and try to reduce because no-one should be put at risk. The government has responded to this community concern and no doubt the opposition would have us believe that it is all the result of their members bringing it to the attention of the House and the community.

I have no doubt that Ivy Skowronski, the pensioner from Salisbury who did so much to promote community awareness and organised the rally in front of Parliament House, has had a part to play in our democratic system. It is right that the government has responded to the concerns of the people who signed those petitions. If anything this bill and the government's response to those concerns have highlighted the importance of a person's privacy and the importance of protection of our elderly, the frail and people who are vulnerable.

I disagree with the member for Mitchell that it will not do anything to reduce the crime rate. I will not say that this or any other bill will be the panacea for the increasing offences and the perception in the community. No bill will be the panacea to deal with the problem, but it will clearly outline the parameters of where we are heading. It outlines clearly that we as a government will not tolerate this sort of invasion on the frail and the elderly. Indeed any member of the community should be protected in the home. The bill in itself will not necessarily do that or really placate the concerns of the general community. Some members opposite see it as an opportunity to talk about the level of policing and say that the resources the government is putting into this area are not

sufficient. Equally, those sort of comments will not deal with the problems. There has to be a coordinated approach.

Mr Clarke: Well, what will?

Mr SCALZI: The member for Ross Smith asks what will solve the problem. I am not a criminologist and do not profess to know all the answers, but I do know that you can only change behaviour by two means—by external control and by internal control. Internal control, which ultimately brings about the best results (and I should have some experience of that as a teacher for 18 years), increases responsibility in the individual to behave in a responsible way and takes a long time. There are no overnight solutions.

If anything the awareness that has been brought about in the debate, in the petitions, in the demonstrations, will have one effect, namely, to make the community aware that certain behaviours, which are anti-social and threatening to the very essence of a civilised society, are not tolerated. The law is there with the various penalties. They were there before but this clearly outlines those parameters. I do not believe in minimum sentencing and I know that some people out there would say that we should give minimum sentences. We should have maximum sentences and they should be applied in an objective way to ensure that anti-social behaviour is not only deterred but stopped. You will not get a solution by simply throwing away the key. That mentality has not worked in the past, will not work now and will not work in future.

I went to a very interesting lecture the other night and there were discussions about the economy of the United States and the fact that the unemployment rate is down to 4 per cent. Someone mentioned that, with the decrease in the unemployment rate, for some reason the crime rate has also come down. There is a correlation between what happens in our economy and what happens with the crime rate statistics. It is evident that that is the case. There is a strong correlation with the problem of drugs and home invasions. There is no doubt that that is the case. This bill in itself will not solve all the problems. There has to be a coordinated approach to deal with the problems we have in the community. We must look into why there is a drug problem. We are doing that as well.

Members opposite would be very much aware of committees that have looked at that problem. The simple solution of increasing sentences and bringing back capital punishment and thrashing will not solve the problem. It has not in the past, will not now and will not in future. There has to be a comprehensive approach to all these problems. Nevertheless, this government is dealing with what is happening in the community and this legislation will go some way to alleviating those fears, some way to setting out parameters. It should be monitored very carefully, and with other measures available to us as a government we should ensure that individuals are protected in their homes and again we need a sense of people feeling that that fear in the community is diminished.

I have heard of cases where the elderly are so frightened that they install so many security measures that in fact the home becomes the problem and not the invader when they have to get out. Those people that generate that fear are irresponsible because they have taken the statistics out of context and are doing harm by generating that fear. It is unwarranted to that extent. We must not take things out of the proper context of where we are. Adelaide is still one of the safest places in the world to live. We must acknowledge that. Last year or thereabouts the General from the Italian Carabinieri visited us. He said that if you are concerned about what is happening here you should see some of the problems they are having in Europe.

That does not mean that we should lower our standards or that we should accept the level of crime. No crime should be accepted and we should aim to reduce crime to zero, if that is possible. However, we should not follow this policy of zero tolerance and think that that will be the solution to all the problems. We should aim for the ultimate solution of security for the community, but we should be realistic.

I believe that too much fear is generated unnecessarily. Let us look at the problems in an objective way. Let us look at the causes of these increases in burglaries and home invasions. Let us look at the reasons behind them. Let us deal with the problem in a firm, strong but at times compassionate way when it is needed, and let us not lose our sense of humanity because it suits us to use what is happening for our own purposes. I believe that, by dealing with the problem as I suggest, in the long run we are reducing the need for increasing that internal control, which ultimately will give us better results.

There will always be criminals, burglars and home invaders. It is the responsibility of governments to protect the community and we must endeavour to do that to the best of our ability. We will never achieve absolute justice, but we must protect the community and, if it means that maximum sentences should be applied when they are justified, then let them be applied, but let the judiciary decide that. If those who propose to move to minimum sentencing want to take over the role of the judiciary and dish out certain sentences, then why have the judiciary putting a balanced sentence on a particular case?

In summary, I support this bill and the government's measures. I do not believe that it will be a panacea to all the problems that we are experiencing in the community, but it will set out clear parameters and will give an indication to the community that we are serious about home invasions, crime and protecting the vulnerable, the frail and those who fear that they will be next. If we do not allay people's fears, then we have not achieved what we set out to achieve; that is, protecting the community.

Mr CLARKE (Ross Smith): I must say—

The Hon. I.F. Evans interjecting:

Mr CLARKE: I choose to say. I know the minister is anxious to go home to bed, but after listening to the contributions tonight on this bill I have to say what a load of codswallop we have heard. Some might say that I will just add to the quantum of codswallop or even reduce it even further in terms of quality. As the member for Mitchell quite rightly points out, in my view, this bill does nothing and is a con on those well-meaning 100 000-odd people who signed the petition organised by Ivy Skowronski. That petition was organised from genuine feelings of fear concerning home invasion and the fact that home invasions have taken place and some hideous physical violence has been perpetrated against people who were in their homes going about their lawful business only to be subject to that particular violent crime.

It is in response to a number of fears that people have that our judiciary is not handling the matter sufficiently in terms of handing out stiff penalties to act as a deterrent. However, this bill is not the draconian piece of legislation that the populists would like, and as typified in the speech made tonight by the member for Hammond—the 'hang them high, hang them low' type of response of the member for

Hammond, which was in respect of crimes generally: because 74 per cent of the population say 'Bring back the gallows', let's have the death penalty and, no doubt, public floggings in Victoria Square.

That might have some merit if it in fact decreased the level of crime. However, as we have seen in the United States, which reinstituted the death penalty in a number of states, for over two decades now that is not the case. Murders and crimes of violence still occur in the United States, where they have expanded the prison population and built ever increasing numbers of gaols, where the police, SWAT squads and the like have more and more armaments and where civil liberties are being curtailed in a number of areas. Notwithstanding that, the crime rate still increases in that country. I think we do the public of South Australia a grave injustice by saying that simply passing this legislation will act as some deterrent in respect of home invasions: it will not.

When people suffering from a drug addiction wanting money or goods that they can sell to raise money invades a home, they do not think whether or not there is another person in the house or that they could be facing a maximum penalty of life imprisonment. They only want the cash, or the goods to sell for cash, to satisfy their instant craving at that moment, and the crime is perpetrated. There is no point in having tough laws if we have no enforcement mechanisms. We reduce our police numbers. The greatest fear that criminals have is the fear of apprehension but, if you have too few police who cannot respond quickly enough to the needs of the community when crimes of violence particularly are reported, then there is no fear of apprehension by these criminals and they go about their business.

What we should be saying to the community, if we are truly listening to their fears, is: we understand what you are saying and we will bring about a comprehensive policy in terms of treating, for example, drug addiction as a health problem, not simply as a crime problem. That is not necessarily saying that you go soft on drugs: it is a question of whether the problem with drug addiction and the like is a health problem, an education problem and an enforcement problem. It has to be multilaterally tackled, not just on one particular level.

We have to look at the issue of family breakdowns. There are families in my electorate—as we all have—who are dysfunctional and do not get assistance. I look at some children in primary schools in my own electorate where I have been told by teachers—and I have witnessed this for myself—that, because these children as young as eight, nine and 10 come from such dysfunctional family backgrounds and because there is no effective intervention method, they are quite likely to grow up into their adult years committing violence because that is the accepted norm in their own household as to how to settle disputes or problems. We do not have any effective mechanisms to deal with those problems. We do not have enough effective mechanisms to assist parents who are in difficulties to acquire good parenting skills and to show love, concern and compassion for their children so that those children will grow up with an appreciation of the rights of individuals and their property.

So, what do we do? There has been an increase in crime. As our banks and other financial institutions become tougher targets in terms of ease of access to cash, criminals, particularly those afflicted by drugs, look for the soft targets. They look to our homes, ATMs, the aged and the infirm or those they can catch unawares. We do not want to live in a society that is surrounded by steel bars. That is abdicating our streets and our lifestyle to the criminal element.

What do we do when our conservative federal government takes $5 billion out of our education budget in a little over three years and our social security net is reduced, putting more pressure on people? Parents and dysfunctional families can be helped by welfare agencies which intervene to rescue children who are subject to problems or to assist parents with parental responsibilities and to help teach them the nurturing skills that parents need to enable them to assist their children to grow up to be well adjusted citizens in this country, yet we cut the budgets of those very organisations that are necessary to assist those people.

That is not going soft. That does not mean that people do not have to take personal responsibility for their own actions. It is about trying to help equip people with those responsibilities, their maturity and their understanding. While many of us can thank our lucky stars that we grew up in stable households with loving parents who could teach us right from wrong, there are very many people in our society who do not have that advantage, and there are a couple of things that we can do to help them. We can intervene and assist those families and children in difficulty and rescue them from the pit of despair.

I do not believe that any child is born inherently evil. Children are a product of their upbringing, of the values that they are taught by those who are nearest to them, namely, their parents, first and foremost. We should assist them. However, under conservative governments at both state and federal level, we cut away at those very necessary social networks or social safety nets.

We also abuse the judiciary. There are instant experts on talkback radio, and I do not mean the average punter who phones through. I am talking about the talkback hosts who earn a living by whipping up fear in our community and who preach ignorance about the role of the judiciary and the judicial system. They do not sit in those courts day in, day out, hearing all the evidence, as members of the jury, the judges or the magistrates do. They hear all the circumstances and witnesses under cross-examination and form a view as to whether or not a person is guilty and, if so, what level of penalty should apply.

That is why we have, thank God, an independent judiciary in Australia which is above the political fray and above the populist demands for the gallows in Victoria Square. The members of the judiciary sit down, analyse the evidence and come down with a decision that they think is just in all the circumstances. And yes, they get it wrong. Like any human being, they get it wrong on occasions and they make mistakes. Sometimes their penalties are too low and at other times they are too high. Sometimes there should be an appeal and sometimes there is not and, like anything that human beings are involved in, we do not always get it right.

However, I far prefer the judicial system we have in place than having politicians running around and quaking in their boots because a petition has been signed by 100 000 citizens who, in their natural frustration at what they see as inordinate delay in justice, believe that waving a magic wand and passing some magic law will suddenly eradicate crime or significantly reduce the crime rate in our community.

This community has to face up to that fact that it costs money to resource our police department effectively so that it can respond in a timely and efficient fashion and so that every citizen who feels concerned about their physical safety and wellbeing can get a ready response from a police officer

in this state. They also want to know that there is a judicial system that works and works quickly and that there is access to justice for all, not just for the rich. However, our legal aid system has been cut to the bone so that only the very wealthy can defend themselves, whether it be against a criminal charge or a civil action. No-one else can afford a defence.

Members of the community want to know that the judiciary is acting in the interests of society as a whole, but there is too little public education and too little public knowledge about the role of the judiciary and how it arrives at particular decisions. The mass media must carry a heavy responsibility because of the way they sensationalise cases, thereby creating further fear and confusion in the population generally.

Our other opinion leaders are the late-night talk show hosts, and it amazes me that they can create wealth by simply fanning fear in the community generally. The community must be prepared to pay for the police and the social security network and eradicate unemployment as much as we can, not only among the mature age unemployed, persons over the age of 45, where there are significant problems, but also among young people.

Some people in my electorate are third generation unemployed. They come from a family in which neither their grandfather nor their father worked, so they do not know what work is or what the work ethic is. When they get up in the morning they have nothing to look forward to. They do not know what libraries are and they do not like schools because they cannot see any relevance in them because they cannot see a job at the end of it. Every day is a grind of watching out for the money they will have in their pocket. They cannot look forward to a normal Christmas, a birthday present or a small holiday down at Victor Harbor or somewhere not particularly pretentious.

Every day is a grey day, so do we wonder why our young people in large measure turn to drugs to relieve themselves of this boredom? There are 16 year olds waking up to a day where school is irrelevant, who have no history to recall of any member of their family in work, and every day until they die at age 70 or 75 will be a day of unemployment, of just scratching a living, of eking out an existence for the next 50 years of their life. Should we be surprised that in that setting they look around at others who enjoy a fantastic life? Then there are the Kerry Packers of this world, who can drop $28 million or whatever at a gambling table one night but quibble over a $33 personal income tax charge and then, just to prove a point, take the Tax Office to the High Court of Australia to prove that he does not have to pay $33 in income tax. Is it any wonder that, in their desperation, some people turn to drugs?

I am not excusing people from accepting their own personal responsibilities. However, we as legislators have a responsibility to be above the knee-jerk reactions we see happening in the general community for reasons I can understand. Last month we had a very interesting debate on this bill in my own sub-branch. Many of my own sub-branch members advocated the same type of policies as the member for Hammond, namely, hang 'em high, public gallows, minimum sentences, and so on. Those members were angry and frustrated because of their genuinely held fears and concerns not only for themselves but for their families. I understand all that, because they get so much inertia from so many governments, at a federal and state level, of all political persuasions, rather than tackling the root cause and supplying the necessary resources to really deal with this issue.

We are too busy going around promising people we will give them a Rolls Royce-type service delivery and cut their income tax at the same time so that they would end up getting Rolls Royce service on a Volkswagen budget. It does not work, and we just mislead our constituents by pretending that we can do that. In trying to tackle the crime problems in this country, we can pass any statute we like. We can even bring back the death penalty, but it will not make one iota of difference to the number of murders, and so on, because when those acts are committed the perpetrators of the crimes are not necessarily thinking of the penalty. We must adopt a policy of education, retraining, employment and effective social intervention so that we can assist those kids at risk—and there are so many of them.

When I go around to some of the schools in my electorate it breaks my heart to know that, but for an extra small amount of effort—for example, if some of the corporations of Australia paid what they should in their fair share of taxes or if some of the wealthy individuals in this country, instead of bragging at their clubs about how much they cheated on their income taxes through minimisation schemes, paid their fair share of taxes—we could provide those extra resources and effectively put them towards helping people, young people in particular, to try to break this cycle of poverty, and so on, in our community which leads to crime. I am not making a speech of a bleeding heart, small 'l' liberal. It is a fact, and we should not con ourselves by passing so-called populist legislation which, as the member for Mitchell has said, does not assist one iota those 100 000 people who have signed that petition. It just satisfies the blood lust in the short term, and it does not enable us to con those 100 000 people that we are doing something concrete about it. We are not. We should get on with the serious end of dealing with crime.

Time expired.

Mr WILLIAMS (MacKillop): From the outset, I say that I will support this bill, but with serious reservations. Having heard the contribution of the member for Ross Smith, I have a lot of sympathy for what he said. I had a conversation with him earlier, and I said to him that I was looking forward to his contribution, because I was hoping that he would supply the answers. Indeed, he has not supplied the answers but he has got a lot closer to the answers than have a lot of the contributions made earlier. Many of the contributions have given a little part of the answer. The member for Ross Smith had probably a bit more than a little part of the answer, as did the member for Mitchell. Indeed, the member for Hammond had a little bit of the answer. The problem for us will be to gel all those parts together and make a whole. I sincerely hope that one day we may be able to do that, but I do not think we will do it today. In supporting this bill, I do not think we will get anywhere near the answer today. However, it will appease a few, and I might come back to that.

I will take the member for Ross Smith to task a little. I was disappointed with his conclusion, when he suggested that part of the answer might be to get the wealthy to pay their fair share of the tax cake and that this is part of the problem. It is part of the problem when we point the finger at individual groups in our society and say, 'If only they were doing their bit, we could solve all these other problems.' That is also being a little over simplistic. Simple arithmetic tells us that, if we tax the wealthy to within a hair's breadth of starvation, we still would not be able to solve most of the problems of our society, because the number of wealthy in our society is only small. It just does not work out; it is simple arithmetic.

That is one of the things members opposite have never been able to grasp, but we will keep working on that.

Mr Clarke interjecting:

Mr WILLIAMS: Thank you, Ralph. The honourable member did make a very worthwhile contribution, but it ill behoves him to end it on that simplistic note. However, we might come back to that. We have and have had a good legal system, which has developed over 1 000 years. It is based on judgment of us by our peers. Our criminal law is based on justice, on what we, as peers of each other, see as being just.

I sat here tonight and heard contributions of various members uttering platitudes along the lines of 'punishment to fit the crime'. This very nation was founded on that theory. As we all know, several hundred years ago, those criminals who were guilty of very minor misdemeanours were sent half way around the world, because the rulers in England at the time had no idea of how to solve the problems they had at that time. They did not even try to address the problem. They honestly believed at that time that there was a criminal class. They believed that, if they excised that criminal class from society, those left would not be of that nature. How wrong they were!

Here we sit today, almost at the turn of the new millennium—and I apologise for using that term—trying to do the exact same thing, namely, thinking that, if we excise this criminal element, we can solve those problems by means of increasing our resources in law and order. The very idea that mere retribution will solve the crime problems in our society is an absolute nonsense. As the member for Mitchell said, this law will not stop one house break-in.

Mr Venning: What do you do about it?

Mr WILLIAMS: I do not have the answers, and I do not purport to have the answers.

Mr Venning interjecting:

Mr WILLIAMS: The member for Schubert suggests that I am wasting my time telling everybody that I do not have the answers. I would suggest that I am not wasting as much time of the House saying that I do not know the answers as some of the other members standing up and stating that they do know the answers and wasting the time of the House, because I would suggest that they are no closer to—indeed, further away from—the answers than I may be.

The logical conclusion to the law and order approach (and this is why I interjected when the member for Wright was making her contribution) is to have a policeman standing at every street corner—in fact, it is probably to have a policeman standing in every driveway with a machine gun. Even if that were the case, perpetrators would find a way of circumventing that. That is not the answer, although it will make people feel better—and, of course, this bill is designed to make people feel better; it is designed to make a hole host of people in this place feel better, and that is the shame of it.

Ivy Skowronski collected over 100 000 signatures on a petition, and that was unfortunate. I feel very sorry for her, because that took a huge effort on her part. I congratulate her for her effort but I feel sorry for her misguidance, because she has encouraged the government—and, indeed, at least a section of the opposition—to believe that they have reached a solution. I think that it will only compound the problem, because it will distract our attention away from the real problem. Unfortunately, the adversarial nature of politics—not only here in South Australia but throughout the Westminster system itself—means that this is the way that things happen. We are always looking for one-upmanship. Unfortunately, we are always looking for simplistic answers, because they, of course, are easy to deliver and they are easy to sell. That is what has happened here: this has been easy to sell. I am absolutely certain that members of the wider community would be very happy with what is happening here—in fact, I believe that they have called for what is happening here.

I congratulate the Attorney-General for holding out for as long as he did. However, under the weight of public pressure he did give in at the end of the day. I think that he was right in saying that we do have the weight in our present law to apply the appropriate sanction to the perpetrators of these crimes. Certainly, I agree with the Attorney that, by amending the law—by introducing some new laws, some new terms—it might make the judicial process a little easier. What it will really do is appease a lot of people. It will be a sop to the masses. That is unfortunate because, as the member for Mitchell said, it will not stop one crime. It will make people feel good. It will make members of the government feel good: they will have that warm and fuzzy feeling that they have done something. It will make members of the opposition feel good, because a lot of them have stood here tonight and said, 'We dragged the government, kicking and screaming, to do this.' How wonderful! The sum total of all that is that all—or at least some—of us in this House will feel good. I will not feel too good about it but a lot of people will. However, it will not solve the problem.

The people who are proposing this type of solution to the problem are tied up with crime and punishment. They are two words that fit very well together: 'crime' and 'punishment'. In this case, as has been the case from time immemorial, I think we should be talking more of cause and effect. We know what the effect is; we even know what the cause is. But we are trying to address the effect when we should be addressing the cause.

I have come across these issues quite often in my electorate. Many of us would say that the solution to this problem is education programs. The member for Ross Smith suggested this. That is part of the solution, and I totally agree with that. But it is not the whole solution; it is only a minor part of the solution. I certainly draw members' attention to the lack of success of education programs, and the glaring example in our society today is the smoking debate. We have had education programs running for almost two generations on the evils of smoking and the problems it causes to our health. However, the younger people in our society are still taking up smoking at the same rate as they always have. The only thing that the education program has done in the smoking debate is that it has encouraged the over 30s to give up smoking. So, it has had some success, and because of that I will say that only part of the solution is education.

As the member for Ross Smith said, we should be putting more resources into that area. That is a very good sentiment coming from that side of the House, but I believe that one of the problems with our education system today was born out of some policies of the Hawke federal Labor government, when that government had an inclination to raise the retention rate in senior levels of secondary schools. They thought that this would make us the clever country. What it did, indeed, was to keep students in school who should not have been in school; students who did not want to be in school and who remained in the education system disrupting those who wanted to be there and receive an education. These students cost society a lot of money that should have been allocated to other programs for them.

I have been trying to address that issue in my electorate. Earlier this week, when the minister visited my electorate, we had a meeting at one of the schools to address this very problem of students who were either in the school disrupting those who wanted to learn and who should not have been in the school or those who had recently dropped out of the school and were wandering the streets, so to speak. We talked about the possibility of implementing some form of intervention program to get those people into some sort of vocational education training. And I am not talking about highbrow training: I am talking about something much lower than the level of apprenticeship in a trade course; something which would meet students' needs and give them the opportunity to obtain worthwhile employment so that they could get some feeling of self-worth and self-determination. I think that possibly part of the answer is to put funds into that sort of program.

Also in my electorate we have a place known as Karobran Farm,which is located south of Naracoorte. It is a drug and alcohol rehabilitation centre run by the Assemblies of God Church. To my knowledge, it is the only such centre in this state, at least, which caters for families in need, where both parents are heavily involved in drugs or alcohol and have reached the stage where it is ruining their lives. Indeed, I have spoken to people participating in those programs who were so heavily involved in drugs that they were administering them to their subteenage children. I spoke to some of the people who had been part way or all the way through that program and who had been able to rehabilitate themselves and drag their children out of the sort of lifestyle into which they were placing them and rebuild a life for themselves, and I witnessed the sort of things that can happen. But today Karobran Farm is on its knees, because it cannot get the funding—and it is not asking for a lot of funding. I have approached several ministers of this government to try to help. Karobran Farm, indeed, has clients who have been sent there by courts, certainly in New South Wales. Our courts, apparently, on my understanding, do not have the ability to send people into this sort of program, and I have raised this matter with the Attorney.

I raise these matters because I think that the main cause of the actions which this law is designed to cure is the use of illicit drugs in our society. I think that there would be general agreement throughout the whole House on that point. I think it is fact. It is not necessarily just illicit drugs: it sometimes might be licit drugs. One of the things we have in our society today is a very sophisticated welfare state. I am sorry to keep picking on the member for Ross Smith, but he did precede me, and I was writing some notes as he was speaking. He talked about the situation of certain families—families of three generations who had not known what it was to work.

The honourable member said that every day these people get up it is a grey day. Fortunately, as a result of this country's welfare situation, they are not black days: they are merely grey days. No-one in this country should die in the street for want of food or from exposure to the elements. I am not saying that that does not happen: I am saying that the welfare that is provided by our society should stop that from happening. What we are not doing and what we are not providing is the will. We are not providing the education and the mentor back-up to instil in our young people the desire to do better than either their parents or some of their peers.

Mr Hanna: How do we give them dignity?

Mr WILLIAMS: Exactly, how do we give them dignity? We must give them a start. We must have social policies that include education and mentor programs, and mentor programs are around. The Premier, when he was in my electorate last weekend, spoke of a mentor program that is run in conjunction with the Port Power football team. Players from that club act as mentors and talk to groups of young people who are at risk. That is the sort of program I believe we should be running because, in this day and age, people such as football players can perform the function of mentors.

Sporting heroes and rock stars—and I am not greatly enamoured of rock stars but I know that a lot of our young people are—are the sort of people whom we should be coopting into programs to intervene with young people. When I visit the schools in my electorate and talk to people in the school system I am told that those children who are at risk quite often, in fact more often, can be identified at the ages of 10, 11 or 12. That is the age at which we must start aiming our programs. We must aim the programs at children that age because, by the time they are 17 or 18, it is too late.

Mr Hamilton-Smith: It is sometimes too late by the time they are seven.

Mr WILLIAMS: The member for Waite may possibly be right; I would not argue with that at all. But we should be identifying them as early as possible because, like every other form of education, the longer we wait the more it costs. There is an economic imperative. One aspect that is largely overlooked in this debate is that there should be an economic imperative to start programs earlier because it will cost less to solve the cause, if we do it correctly and do it at an early age, than trying to redress the effect.

The Hon. G.M. GUNN (Stuart): I support this bill because I have had the difficult experience of having to deal with constituents, particularly in one area of my electorate, who have been the victims of home invasions on a regular scale and who have been the victims of uncontrolled groups of louts and villains who have no regard for people's person, property or homes. It must be a terrifying experience for an elderly person to have some villain not only break into their home but also physically assault them. I am firmly of the view that the overwhelming majority of the community believes that we should take positive and firm action against these people.

We should not have to tolerate this sort of behaviour. I am firmly of the view that people should be free and able to live in their homes without fear of threat or intimidation. I am very concerned that there appears to be an attitude within certain sections of the police that the whole gamut of resources should be directed towards traffic and giving people tickets for trifling and non-important offences which we have foolishly placed on the statutes. We have allowed the police to write out these dreadful on-the-spot fines. More time and effort should be put into patrolling and protecting from these scoundrels innocent people who have paid their taxes diligently throughout their lives.

At the end of the day it means that we must impose on them prison sentences which, in itself, unfortunately, is a very substantial cost to the taxpayer. I entirely agree with the Prime Minister when he said tonight that people should be given a choice for minor drug offences. Offenders should have the option to accept treatment, and I am all in favour of that because I feel very sorry for the victims of drug offences. I have no sympathy for the scoundrels who promote the use of drugs. I think we should do what they do to them in Singapore and other parts of the world. That is the best

treatment for those people. We would be rid of them once and for all.

Mr Hanna: I look forward to your private member's bill on that.

The Hon. G.M. GUNN: The honourable member will get a private member's bill from me dealing with the Children's Protection Act—I am coming to that; the honourable member has prompted me—so that the police are given authority to remove from the streets young people who are wandering at large late at night and who are, unfortunately, causing mayhem in sections of the community. In my view, 10 and 12 year olds should not be on the streets at 2 o'clock and 3 o'clock in the morning. The difficulty for the police is that, when they take them home, in many cases the parents are either not interested, intoxicated or are affected by drugs. So, the children then beat the police back onto the streets.

If the police had the authority to take those people and have them stay overnight in a proper and secure location—not a gaol but accommodation similar to that most successful New South Wales program—it would get these young people off the streets and out of danger and it would protect the public. I have been with the police at night and I have seen some of these young people. I am concerned that many were not at all frightened of the police. The way they spoke to the police was quite deplorable in my view. When I was that age and the police spoke to you, you did not argue: you did exactly as you were told. However, they have no fear of the police.

In my view, the police would have been quite within their rights if they had given them a good whiz under the ear and a kick up the backside, and I still hold with that view. If, in some cases where these louts congregate and cause trouble, the police were to come along and give them a swift kick up the backside and put the baton across them it would be cheaper for the taxpayer. It would quickly solve the problem and we would not be paying all these do-gooders, hangers-on and community welfare workers who have, unfortunately, received millions of dollars and who have very poor success rates. We have more of them and fewer results, yet we are still having committees and running programs. They are dreaming up more of them and having more conferences. We are giving them more cars and better offices and we have more break-ins. I know the Attorney-General gets very cross with me—

Mr Clarke: And so he should.

The Hon. G.M. GUNN: —and I do not know why.

Mr Clarke: No-one can accept that diatribe as factual.

The Hon. G.M. GUNN: I say to the honourable member: I know what my constituency thinks in these matters. The last poll in relation to these matters was 80 per cent in my favour. I welcome the honourable member's debating the issue with me in my electorate. I know what people said to me on polling day when I was handing out information on the no campaign. I know what their views are about certain sections of the community. If people want to have a fight with me over it, I welcome it and will participate because I know—

Mr Clarke: Oh, goody; righto!

The Hon. G.M. GUNN: —what the result will be.

Mr Clarke: I look forward to it.

The Hon. G.M. GUNN: Oh, so do I.

Mr Clarke: I almost got you last time.

The Hon. G.M. GUNN: Well, have a go again, because they will get you, Ralph. They will get you. I would be very concerned myself. They will get you.

Mr Hanna interjecting:

The Hon. G.M. GUNN: Pardon?

Mr Hanna: Nothing.

The Hon. G.M. GUNN: The honourable member is trying to get me off the track.

Mr Clarke: You are so easily put off.

The Hon. G.M. GUNN: Well, I am shy and retiring. In conclusion, this bill is important. We need to strengthen the law. We need to give the community confidence that the parliament is concerned about these home invasions and is taking some positive action. I think that we need to take some other steps. I am concerned that we are putting more and more people in gaol. I am concerned not because they should not be there but because if there are other options it would be far cheaper for taxpayers since I believe we should spend money to assist the urgent needs of other sections of the community. Therefore, we need to review some of our courses of action and some of the things that we have done in the past.

There is an urgent need for a children's protection act to give the community confidence and to give the police the ability to get these young people off the streets and into secure care so that they are not a danger to themselves or the community. I support this measure and look forward to a number of other measures in the near future which, hopefully, will resolve the issues affecting my constituency and many others.

Mr De LAINE (Price): I support the bill. I cannot imagine the trauma endured by people who are victims of this despicable new type of crime. In my view, there are very few crimes more serious than home invasions. Whether the crime is committed by one person, two persons or more, the trauma, surprise and shock of the crime is very real. Home invaders break into or force their way into homes when the occupants of those homes are present. They usually restrain their victims by threatening them with weapons or by tying them up. Quite often, the terrified people are then subject to threats, harassment or assault and are helpless in terms of preventing these animals—which is what they are—from doing what they like and stealing what they like. Home invasion is a despicable crime and must be dealt with by the full weight of the law.

In his speech in the other place the Attorney-General said that home invasions constitute only 0.1 of 1 per cent of all recorded crime. This crime is so serious and outrageous that even one home invasion is too many. I could never understand the idea that a crime should only be looked at and dealt with if the frequency of that crime rises to so many percentage points. A crime is a crime: it should be dealt with accordingly. I pay tribute to Ivy Skowronski, who worked very hard, who came up with a record petition of 102 501 signatures to present to this place and who also organised a rally of over 2 000 people at the front of this place. These two events forced this Government and the Attorney-General to take some action. I applaud the government and the Attorney-General for doing so and for introducing this long overdue legislation.

I realise that long-term solutions are needed, as outlined to an excellent degree by other members, especially the members for Ross Smith and Mitchell, to prevent this crime and indeed other crimes. In the meantime, society must protect itself in the short term and governments must respond to the needs of these people and to what the people think. I remember that in the Bannon government years of 1986-87 it increased the maximum penalties for a whole range of very

serious crimes. In fact, one example was that the government imposed a maximum penalty for dealing in hard drugs to 25 years and, in those terms, confiscated assets. Since that increased penalty was introduced I have never seen any of the courts impose anything like the maximum penalty. I do not know what size drug crop they are waiting for in terms of enforcing the maximum penalty, but with some drug crops worth millions of dollars they still impose penalties of only six, nine or 12 months imprisonment, suspended gaol sentences or good behaviour bonds. It is outrageous.

We in this place have the responsibility to make the laws. We also set the maximum penalties. In my opinion, the police do a very good job in apprehending criminals who break the law; but I feel that the whole system and society is being let down by the courts and by judges. It is about time judges acted responsibly, got into the real world and imposed some proper penalties. It has been said tonight by several speakers that the penalties in place are not working. I will tell you why they are not working: because those in the courts are not imposing anywhere near the maximum penalties. If judges use their discretion where they can impose a range of penalties up to life imprisonment or 25 years and if they start imposing more than six, nine or 12 month gaol terms, we might see a few results.

I take on board the point that it is not the complete answer, but I feel sure that, if some of those maximum penalties or very much higher penalties were imposed, the message would get around and would certainly make some of these would-be home invaders think twice before they perpetrate some of these crimes. I appeal to judges to do the right thing, to get into the real world and to impose some appropriate penalties for some of these outrageous crimes.

During the rally it was said by some of the speakers that governments respond only to public pressure when it is applied. This is quite often the case, and it was the case on this occasion; however, that is not always the case. In 1989 during the Bannon government years I argued at the time within the government and my party and was successful in establishing a law and order task force comprising seven ministers and seven backbenchers. I believe that it was the first time this was done in the country, and it was a very successful move. I was lucky enough, having originated the idea, to be part of that task force. We met on many occasions. The task force was chaired by the Premier and consisted of the Attorney-General, the Minister for Police, the Minister for Education, three other ministers and backbenchers who, in the main, represented seats in the western suburbs of Adelaide.

Over about four years that task force instigated a lot of initiatives, worked in with the police, and so on, and engaged in a lot of consultation. The task force considered a whole range of issues and crimes, and looked right across the board at laws and penalties, including restraining orders, truancy from school, etc. A lot of good stuff was in the pipeline. I remember that things were starting to reach fruition just before the December 1993 election when, of course, Labor lost office. I remember that two of the things we did bring into force before that election were the then world's toughest anti-graffiti laws and a revamping of the entire juvenile justice system. That new juvenile justice came into force on 1 January 1994, about three weeks after the Bannon Labor government lost office. It was a shame that that law and order task force ceased to exist on 11 December 1993 when Labor lost office and that this government did not take up that initiative after that time.

If I am fortunate enough to be in this place when we regain government, at that time I will move again to establish a similar task force to consider a whole range of issues across the board. We do need tougher laws, and I applaud the government for introducing such laws for this despicable crime. I also acknowledge that we need to deal not only with the problem of this crime but other crimes right across the board in a long-term, educational and properly planned approach to eliminate the causes of crime. While that is being done, in the meantime we as a society need to protect ourselves with tough laws to try to prevent these crimes—it will certainly prevent a lot of them. As I say, the judges must show some responsibility and start handing out the right penalties. The opposition has given an undertaking to expedite this legislation through this House and I am happy to support it.

Mr HAMILTON-SMITH (Waite): I rise to support the bill and in so doing I recognise that we have a serious problem. The law and order situation in Adelaide has deteriorated to an extent that fairly drastic action is needed and this bill is a step in the right direction. This used to be a peaceful and placid place to live in. One only has to walk outside this House and through the city of Adelaide to see that things have changed. You only need to have been out on the steps of Parliament House on the afternoon of the demonstration calling for this bill to feel the mood of the people. Members of parliament, judges and lawyers who fail to hear that call do so at their peril.

I do not want in 10 years' time to live in a city that resembles Los Angeles and Chicago. I fear that if we do not start to tighten up in respect of both legislation and our ability to enforce that legislation we will be living in a far poorer city in 10 years' time. It is up to us members of parliament to ensure that that does not occur. It is fine for lawyers to say, as indeed they have said (and it has been reported in the media at some length), that these measures are unnecessary. There is probably a good legal argument to be put saying that the current legislation is adequate. The bottom line is that the people have called for something to be done and I applaud the Attorney-General's decision to do something in response to that call.

As Chairman of the Select Committee on a Heroin Rehabilitation Trial, I had the opportunity to delve deeply into the causes of crime and to recognise that at the very core of this problem of home invasions, at the very core of the problem of street crime in general, is the problem of drugs and drug abuse. Let there be no doubt that drug addicts are the main perpetrators of these crimes. Somewhere between 50 and 70 per cent of street crime is drug related. In respect of home invasions I feel certain that the percentage is much higher. Quite often it involves crimes associated with marijuana or drug distribution. These people invade homes looking for drugs or for the money and the proceeds of the illicit drug trade. It is simply not good enough. We need to attack the problem of drug abuse in this community if we are to attack the problem of home invasions. The House must recognise that that will cost money. We are dabbling around at the edges in respect of the problem of drug abuse. We have to stop dabbling and start doing something.

I will take the opportunity presented by this bill to run through some of the measures in the areas of policing, corrections, human services and health that need attention now. I will list the programs and the amount of money that needs to be spent in my view and will summarise by giving

a total figure required to be spent if we are to tackle not only the drug problem but also the problem of home invasions called for in this bill. I will start by addressing the issue of corrections.

We need programs to cater for prisoners who are drug users and who are seeking immediate treatment, and for that purpose additional counselling-social work positions would be required at each reception prison. Recurrent costs would be $400 000 per annum. For continuity of care throughout a sentence additional counselling-social work positions would be required at each of the other prisons: recurrent costs, $200 000. For through care during home detention and parole and to respond to community based bonds and orders, increased staffing in each of the five community corrections regions would be required: recurrent cost, $500 000 per annum. Funding is needed for the soon to be implemented prison-based methadone maintenance program catering for 150 prisoners. Approximately 20 per cent of the prison population—300 prisoners—have opioid dependence. In order that the remaining 150 prisoners may have access to treatment, funding would need to be increased: recurrent cost, $200 000 per annum.

We need to expand the intensive therapeutic style regime currently available only at Cadell Training Centre to the Yatala Labour Prison, the Port Augusta Prison and the Adelaide Women's Prison. The estimated cost to build facilities at each prison would be: at Yatala, $1.8 million; Port Augusta, $1.5 million; and Adelaide's Women's Prison, $1.2 million. Salaries for custodial officers would be $132 000 and for management $192 000. Culturally appropriate programs for Aboriginal and Asian prisoners would cost an additional $30 000.

We need to reinstate the Aboriginal peer support program: recurrent cost, $200 000. We need support for the drugs courts project: recurrent cost, $250 000 per annum. Establishment cost of a culturally appropriate detention facility in the Anangu Pitjantjatjara lands would be $750 000: recurrent cost, $250 000 per annum. Expansion of Operation Challenge should occur, based at the Cadell Training Centre: establishment cost, $1 million; recurrent cost, $400 000 per annum.

Eliminating illicit drugs from prisons must be one of our major goals. To do so we would need to deploy electronic drug detecting itemisers in each prison: establishment costs, $700 000. We need full-time intelligence collectors and collators at each prison: recurrent cost, $400 000. We need to increase the Dog Squad establishment: recurrent cost $100 000. We need to deploy ultraviolet night vision binoculars at each prison: establishment cost, $400 000. We need to deploy electronic identification systems for visitors at prisons which will cost $32 000, and we need to train people in the use of the abovementioned equipment: cost, $100 000. In total we need to spend in establishment costs in corrections $7.222 million; recurrent costs, $2.930 million; and, salaries and oncosts, $324 000.

I move now to the area of police, for it is here that we need to undertake considerable effort. We need to reduce the supply and availability of illicit drugs by targeting hot spots such as Hindley Street and Arndale Shopping Centre, by targeting organised crime groups and street level, mid level and high level users and dealers by using a permanent Operation Mantle in each local support area and by creating a strike team capability to operate in regional areas. We need to hire another 40 police officers: salaries and oncosts, $2.826 million. We need to increase the capacity of the Drug and Organised Crime Investigation Branch. We need to implement a strategy of broad disruption of the illicit drug market and coordinated law enforcement, targeting all levels. We need an additional 20 police officers for that: salaries and oncosts, $1.4 million. For the interstate illicit drug trade and enhanced intervention along transportation routes in and out of the state we need an additional 20 officers: salaries and oncosts $843 000. We need to increase multi-jurisdictional capabilities to investigate and build intelligence capabilities such as Viking joint task forces and interlink these with other agencies to improve the cross flow of information. That would require 12 police officers: salaries and oncosts, $843 000. We need to increase support for covert surveillance and associated technical support, increase the capabilities of witness protection, hire additional surveillance and technical staff: salaries and oncosts, $706 000 and $560 000 for the covert abilities.

Legislative amendments are needed to reduce the profits of crime through the confiscation of profits. That requires an additional legal officer: salaries and services, $100 000. We require an informant management fund for the payment of informants at a cost of $250 000. We also need to encourage abstinence from illicit drugs if we are seriously to tackle home invasions. We need to increase early intervention and other diversion practices such as via the juvenile justice system and the Drug Assessment and Aid Panel, in accordance with the initiatives of the Council of Australian Governments (COAG). We need to increase the number of generalist police officers. Police youth officers are needed to participate in the juvenile justice system and community liaison officers in each local service area. We need to develop training and educational packages for youth via a police in schools program: 40 officers, salaries and on-costs, $2.8 million; and eight officers, with salaries and on costs of $616 000 for the community liaison task.

We need to establish community drug action teams for early intervention and to facilitate access to assessment and rehabilitation services: salaries and on-costs, $843 000. We need to build the capability of our police force. We need to increase drug law enforcement training for all police officers, police trainers and police educators: salaries and on-costs, $375 000. We need to increase research resources for the drug and alcohol policy section within the South Australian police force. Two research officers are needed: salaries and on-costs, $159 000. The total cost for police salaries and on-costs, $12.114 000 per annum; and an additional fund of $250 000.

Let me move now to the area of human services and health, because we need to recognise that policing alone will not solve the drug problem and the problem of home invasions. We need to treat addicts; we need to get them off drugs; we need to stop them from committing these crimes; and we need to get them into rehabilitation. We need to run the following programs in human services and health in order to enable us to reduce the 15 000 addicts we have in this state and to ensure that the 5 500 recidivists, who are chronically relapsing heroin addicts, who are totally dependent and who are the main perpetrators of home invasions and other street crime, are in treatment and off the streets.

We need an expanded drug substitution program which would provide for a decentralisation and expansion of the existing methadone program. We need to expand the range of pharmacotherapies available and enhance the capacity of the private methadone program to respond to demand. We must stop this situation where addicts turn up looking for treatment and are turned away through lack of resources. The

capital cost in the first year for this would be $172 000—the recurrent cost would be significantly more substantial.

We need to expand the community outreach program to include specialist programs for families, youth at risk, Aboriginal communities and rural and remote communities: recurrent cost, $1.4 million. We need to expand in-patient detoxification to increase the number of beds available for in-patient detoxification. Capital costs in the first year, $2.5 million; recurrent costs, $413 000. We need to do more in the area of clinical research. Clinical research projects are required to study the pharmacokinetics and the pharmacodynamics of heroin use, and a study is needed to examine the benefits of short-term acting opioids that may have therapeutic potential in the treatment of heroin dependence. The cost over two years is $300 000 for the pharmacokinetics and the pharmacodynamics research; and the cost over three years will be $750 000 to look into the short-term acting opioids.

We need to expand our early intervention services because it is these early intervention services which establish a hospital based network to improve detection, diagnosis and management of drug related problems. The recurrent cost would be $631 000. We need more community drug information. An information service is required utilising telecommunication and information technologies: recurrent cost, $162 000. So, in the area of human services and health, we need to spend in capital costs $2.672 million; in recurrent costs $6.79 million; and in research costs $1.050 million.

What is the total bill? Let me tell members that it is very substantial, but it is a bill that needs to be paid. It is in the vicinity of $33 million. That is a lot of money, but unless we spend it we will not solve the problem of home invasions. It is fine for us to pass this bill, which will take a small step towards enabling our community to deal with home invaders, but we could introduce the death penalty for home invasion and we would not stop home invasion—not while we have 5 500 totally dependent heroin addicts roaming the streets of South Australia looking for a home to break into, a bag to snatch, or a car to steal, so that they can raise the money to support their addiction.

As I said earlier, I support the bill. I think it will help to make South Australia a better place in which to live, but I appeal to the House that we, working together as a parliament and as a community, must find the money to fight this war on drugs, because that is the root cause of the problem. This bill will help fix one of the symptoms, but it will not take away the disease.

The Hon. I.F. EVANS (Minister for Industry and Trade): I would like to thank all members for their contributions. One only has to look at the wide variety of views expressed during the debate to realise how complex this issue is. Everyone has a slightly different solution to what is a complex problem. This is the government's solution, which has been supported by the opposition in general, and we appreciate its support and look forward to passing the bill very quickly.

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

The Hon. I.F. EVANS: Mr Acting Speaker, I draw your attention to the state of the House.

A quorum having been formed:

STANDING ORDERS, SUSPENSION

The Hon. I.F. EVANS (Minister for Industry and Trade): I move:

That standing orders be so far suspended as to enable the Hindmarsh Island Bridge Bill 1999 and the Criminal Law (Sentencing) (Sentencing Principles) Amendment Bill 1999, when received, to pass through all stages without delay.

Motion carried.

CRIMINAL LAW (SENTENCING) (SENTENCING PRINCIPLES) AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. I.F. EVANS (Minister for Industry and Trade): I move:

That this bill be now read a second time.

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

Leave granted.

The background to the introduction of this bill is fully set out in the second reading speech for the introduction of the *Criminal Law Consolidation (Serious Criminal Trespass) Amendment Bill*, 1999. It would be a waste of the time of the House to repeat those matters here. I therefore turn to an explanation of the Bill.

The *Sentencing Bill* is designed to complement the *Serious Criminal Trespass Bill*. A more general concept of an offence committed in the course of a *home intrusion* is proposed—which may be rape, robbery, theft or *anything* else—and it is proposed to be deployed in two ways. First, it is added to the list of things that the court is obliged to take into account in passing sentence under section 10; and second, the amendments redesign the formula for the criterion for considering imprisonment under section 11. It is proposed that the sentencing criterion be a general one of 'home intrusion'.

In South Australia, the general regime of sentencing is governed by the *Criminal Law (Sentencing) Act*, 1988. That legislation contains a statement of the general principles that should govern the imposition of a sentence by the courts. Currently, section 10 of the Act says:

Matters to which a sentencing court should have regard

10. A court, in determining sentence for an offence, should have regard to such of the following matters as are relevant and known to the court:

(a) the circumstances of the offence;

(b) other offences (if any) that are to be taken into account;

(c) if the offence forms part of a course of conduct consisting of a series of criminal acts of the same or a similar character—that course of conduct;

(d) the personal circumstances of any victim of the offence;

(e) any injury, loss or damage resulting from the offence;

(f) the degree to which the defendant has shown contrition for the offence—

(i) by taking action to make reparation for any injury, loss or damage resulting from the offence; or

(ii) in any other manner;

(g) if the defendant has pleaded guilty to the charge of the offence—that fact;

(h) the degree to which the defendant has co-operated in the investigation of the offence;

(i) the need to protect the community from the defendant's criminal acts;

(j) the deterrent effect any sentence under consideration may have on the defendant or other persons;

(k) the need to ensure that the defendant is adequately punished for the offence;

(l) the character, antecedents, age, means and physical or mental condition of the defendant;

(m) the rehabilitation of the defendant;

(n) the probable effect any sentence under consideration would have on dependants of the defendant;

(o) any other relevant matter.

These are, of course, general considerations which apply to all offences and all offenders. The effect of this amendment is to insert, within the list of matters to which a court is obliged to give consideration under section 10 of the *Criminal Law (Sentencing) Act* when sentencing for an offence committed by an intruder in the home of another, the need to give effect to a policy set out in a new subsection (2)—to protect the security of the lawful occupants of the home from intruders.

In addition, the Act currently sets out the circumstances in which sentences of imprisonment are warranted. It says:

Imprisonment not to be imposed except in certain circumstances

11. (1) A sentence of imprisonment must not be imposed for an offence unless, in the opinion of the court—

(a) the defendant has shown a tendency to violence towards other persons; or

(b) the defendant is likely to commit a serious offence if allowed to go at large; or

(c) the defendant has previously been convicted of an offence punishable by imprisonment; or

(d) any other sentence would be inappropriate, having regard to the gravity or circumstances of the offence.

It is proposed to amend section 11 which deals with the serious matter of the circumstances in which imprisonment should be considered. The effect of the amendment proposed here is to make sure that, when considering whether or not to impose a sentence of imprisonment, a sentencing court has due regard to the primary policy set out in section 10(2).

I commend the bill to the House.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 3—Interpretation

This clause inserts new definitions of home and intruder for the purposes of the measure.

An intruder is a person who commits a criminal trespass.

Clause 4: Amendment of s. 10—Matters to which a sentencing court should have regard

This amendment provides that, in determining sentence for an offence committed by an intruder in the home of another, the court should have regard to the need to give proper effect to the following policy:

A primary policy of the criminal law is to protect the security of the lawful occupants of the home from intruders.

Clause 5: Amendment of s. 11—Imprisonment not to be imposed except in certain circumstances

This amendment alters the circumstances in which a sentence of imprisonment may be imposed to ensure that such a sentence is always available if it is necessary to give proper effect to the primary policy referred to above.

Ms HURLEY (Deputy Leader of the Opposition): This bill comprises part of the amendments to the home invasion laws and the opposition supports it enthusiastically, as it did the previous bill. Our shadow Attorney-General, the member for Spence who is ill tonight and cannot be present, played a major role in the development of policy within the opposition and in dealing with debate about the home invasion laws, so it is a pity that he is not here tonight to be able to see his work fulfilled. The opposition agrees with this bill, as it did with the previous bill, and it would be happy to see it expedited through the House.

The Hon. I.F. EVANS (Minister for Industry and Trade): I thank the Deputy Leader for her contribution.

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

HINDMARSH ISLAND BRIDGE BILL

Received from the Legislative Council with a message drawing the attention of the House of Assembly to clause 4, printed in erased type, which clause, being a money clause, cannot originate in the Legislative Council but which is deemed necessary to the bill. Read a first time.

The Hon. I.F. EVANS (Minister for Industry and Trade): I move:

That this bill be now read a second time.

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

Leave granted.

The Hindmarsh Island Bridge Bill is one of the outcomes of the settlement of all claims by the Chapmans and others, including Westpac Banking Corporation, against the Government of South Australia. The bill provides a means by which the State may recoup some of the costs that will be incurred as a result of the construction of the bridge using taxpayers' monies. The former Government entered into a Tripartite Deed with Binalong Pty Ltd and the then District Council of Port Elliot and Goolwa. The Tripartite Deed provided that the Council would contribute to the cost of the bridge by levying a rate on the owners of relevant allotments.

This bill gives statutory force to this liability by imposing directly upon the owners a liability to pay an amount to the Crown. The amount is payable by owners of allotments that have been subdivided or created since 28 September 1993 which is the day on which the former Minister accepted the tender for the building of the bridge. The bill provides for collection of the amounts by the Council at the same time as the Council collects council rates, with an obligation for the Council to forward the payments to the Government.

The amount to be paid by allotment holders varies depending upon whether the allotment is residential or non-residential.

The bill provides that the obligation on the part of the owner of any allotment ceases after 20 years from the date of practical completion of the bridge.

The bill provides that owners can elect to make a lump sum payment of $4 500 in respect of the owner's allotment, and thereafter the owner's obligation to the Crown ceases.

The bill limits the liability of owners of allotments in the area of the Marina Goolwa ('the Binalong area') to an amount that is approximately equal to the amount that those allotment holders would have had to pay had construction of the bridge been completed 1994.

I commend this bill to honourable members.

Explanation of Clauses

The provisions of the bill are as follows:

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The measure will be brought into operation by proclamation.

Clause 3: Preliminary

This clause sets out the definitions required for the purposes of the measure. Various definitions must be consistent with the Tripartite Deed. The provision will also set 28 September 1993 as the date on which the Minister will be taken to have accepted the successful tender's tender for the completion of the Works under the Tripartite Deed.

Clause 4: Owners of new allotments on Hindmarsh Island to pay contributions towards cost of bridge

This clause will impose on the owner of a relevant allotment (being an allotment situated on Hindmarsh Island that must be taken into account for the purposes of the formula set out in clause 9.3 of the Tripartite Deed) a liability to pay to the Crown in respect of each relevant period (being any 12 month period that is relevant to the determination of an amount payable under the terms of clause 9 of the Tripartite Deed) an amount equal to the amount payable by the Council to the Minister under the terms of the Tripartite Deed. The amount will be payable to the Council in conjunction with the payment of general council rates.

Clause 5: Council to pay amounts to Crown

The Council will be required to pay to the Crown an amount equal to the aggregate of the amounts payable under clause 4 in respect of a relevant period. The Council will be entitled to recover any outstanding amounts from the owners of the relevant allotments who have failed to make payments in accordance with the requirements of clause 4.

Clause 6: Lump sum payments

The owner of a relevant allotment will be entitled to elect to pay a lump sum of $4 500 in respect of the allotment to satisfy the liability of the owner under clause 4.

Clause 7: Periods over which payment to be made

The overall liability to make payments under this measure will cease when *(a)* in the case of an allotment in the Binalong area (as defined by the Tripartite Deed)—the Binalong debt has been paid; or *(b)* in the case of an allotment outside the Binalong area—the Debt (including the Binalong debt) under the terms of the Tripartite Deed has been paid. Various assumptions must be made for the purposes of the calculation of debt. No payments will be required to be made in any event in respect of any period falling after the 20th anniversary of the date of practical completion of the Works (as defined by the Tripartite Deed).

Clause 8: Reduction of Council liability

Under the scheme proposed by this measure, the liability of the Council to make a payment to the Minster under clause 9 of the Tripartite Deed will be reduced to the extent that the Council makes a payment to the Crown under these provisions. A liability to make a payment in respect of a particular allotment will cease if a lump sum payment has been made under clause 6 or a liability has concluded under clause 7.

Clause 9: Separate rate no longer to be declared

It will no longer be necessary to contemplate the imposition of a separate rate under clause 11 of the Tripartite Deed.

Clause 10: Regulations

The Governor will be able to make regulations as necessary or expedient for the purposes of the measure.

Ms HURLEY (Deputy Leader of the Opposition): The debate in the other place canvassed a good deal of the history of the decision to build the Hindmarsh Island bridge. It is a history that does not much credit to many of the people involved and I am sure that many of us have ideas about how we would do it over again and do it properly. However, this bill deals with the levying of the residents of Hindmarsh Island regarding the payment for the bridge, it contains administrative matters and it ratifies the tripartite agreement that was entered into. The opposition will not oppose the bill, understanding that they are administrative matters that will have no effect on whether or not the Hindmarsh Island bridge is built. We will not provide any impediment to its going through.

Mr HANNA (Mitchell): I raise some serious reservations about the bill. I understand that the numbers in this place will dictate—and I use that word advisedly—that the bill will pass and I do not propose to canvass the many historical matters which relate to the bill, some of which have been alluded to by members in the Legislative Council. I will make some general observations and, before I do that, I should preface my remarks with a declaration that, in the course of my legal practice, I have been prepared to act for opponents of the Hindmarsh Island bridge development. I put that on the record but I do not believe it jaundices my view of the matter in any way.

Having looked into the history of it extensively, it seems that it is truly a tragedy in the sense that there have been so many players at fault, some blindly, some wilfully, over the last decade, and it has culminated in the situation we have now where the bridge will go ahead. Preliminary construction work, at least surveying work, has begun and that is against the very heart and spiritual beliefs of a good many Ngarrindjeri people in the area. There were problems from the point of view of the Aboriginal Heritage Branch at the relevant time when more could have been done to uncover those spiritual beliefs.

There were misconceptions on the part of various parties to do with the development proposal, both private individuals and statutory authorities, and at the end of the day I do not believe that the truth has fully come out, let alone been accepted by the community at large. The full truth of the matter will probably never be known since various attempts at exploring the issues surrounding the Hindmarsh Island bridge have not run their full course. I will not say too much about that because a number of civil litigation matters are continuing which might touch on those points and I may be concerned in one or more of those matters, so it is not appropriate for me to say more.

We then come to this bill, which is effectively the final nail in the coffin, the construction of which began years ago. Following that analogy, perhaps the Hindmarsh Island Bridge Royal Commission was the set of proceedings that really killed the Aboriginal interests involving the bridge. All we are doing now in parliament is putting the final touch on a tragic episode. For the most part, the bill simply deals with the rates to be paid by various people to contribute towards funding of the bill. The issues of the ratepayers are not trivial. However, they are of a completely different order compared to the travesty that many Aboriginal people believe is about to occur with the construction of the bridge. It is worth saying something about the simple financial concerns of the local community, and I mean the ratepayers of the Alexandrina council area because, after all, they will be contributing substantially to the cost not only of the bridge but of the ancillary infrastructure that must be associated with the bridge; for example, roads, lighting, perhaps drainage, etc. I do not believe that there has been any adequate quantification of just what that cost will be. Many ratepayers in the Alexandrina council area have concerns about this development, despite the overall support of the council proper. Those concerns are very relevant to this bill, yet they are being completely overlooked by the government.

I believe that one clause is crucial to the bill. I have just been provided with a copy of the bill, and I refer to the government's proposal to ensure validity of the deed. If there is an issue about the validity of the rating system proposed by the council, which is the main subject matter of the bill, I do not have too much difficulty with that. However, if to any extent the government seeks to render the bill valid and enforceable, when there may be some common law rights to pursue challenge to the bill, I must make the point as a matter of principle that such a measure would be entirely inappropriate. Generally speaking, the parliament is not the forum in which common law rights should be extinguished simply because of a particular development. I do not claim to know exactly what the government might have in mind but I must say that the wording of the bill seems somewhat strange to me, somewhat of an overkill in terms of simply putting a rating system into effect.

I am sure that the minister in this place will not respond to my concerns. I am sure that he knows very little about the bill. This is the contempt with which the government treats not just this bill but much of the legislation that comes through the place. I will conclude with those remarks. There are serious reservations about the bill not only from Aboriginal heritage and spirituality viewpoints but also from the sheer financial concerns of Alexandrina ratepayers. I see all of those concerns being completely trodden over in the government's desire to push this bill through so quickly.

The Hon. I.F. EVANS (Minister for Industry and Trade): I thank members for their contributions, and the member for Mitchell's comments are noted.

Bill read a second time.

In committee.

Clauses 1 and 2 passed.

Clause 3.

Mr HANNA: Will the minister explain very carefully why it was necessary to include clause 3(3)?

The Hon. I.F. EVANS: The advice to me is that the bill relies on the deed and, to try to ensure that there would be no challenge to the bill, we have attached the deed so that everyone is clear of the deed to which it relates.

Mr HANNA: I do not thank the minister for that trite answer. Why is it implied in that subclause that there is some doubt about the validity and enforceability of the deed? I am not interested in the fact that the deed is attached to the bill.

The Hon. I.F. EVANS: As the member would well know, through both his professional life and as a member of parliament, this bridge has been the subject of much controversy, and the decision was taken to try to put as much certainty into the process as possible.

Mr HANNA: Again, the minister's answer is trite, smart and contemptuous of this process. Because I have only three questions on this clause, I refer to the definition of 'tripartite deed', and I note that the company Binalong Pty Ltd is there referred to. Where in the deed is there a reference to the assignees or successors to Binalong? If there is no such reference in the deed, how can Binalong take advantage of the deed?

The Hon. I.F. EVANS: The advice to me is that the status of Binalong now is not relevant to the operation of the bill.

Clause passed.

Clause 4.

The Hon. I.F. EVANS: I move:

Page 3, after line 2, insert new clause 4 as follows:

Owners of new allotments on Hindmarsh Island to pay contributions towards cost of bridge

4. (1) The owner of a relevant allotment is liable to pay to the Crown in respect of each relevant period an amount equal to the amount that the council is liable to pay to the minister with respect to that allotment under the terms of clause 9 of the tripartite deed.

(2) For the purposes of subsection (1), the amount of a payment with respect to an allotment will be determined assuming 'C' in the formula set out in clause 9.3.2 of the tripartite deed is the CPI number for the quarter ended on 31 March 2000.

(3) An amount payable under subsection (1) with respect to a relevant period must be paid by the owner of the relevant allotment to the council in conjunction with the payment of general rates under the Local Government Act 1934 on land comprising the allotment for the financial year corresponding with the relevant period.

(4) The council must, after consultation with the minister, give notice of an amount payable under this section with respect to a relevant allotment to the person who is the principal ratepayer for the land comprising the allotment for the purposes of the Local Government Act 1934.

(5) A notice under subsection (4) must be in a form approved or determined by the minister and served as part of a rates notice for general rates payable under the Local Government Act 1934 or, with the approval of the minister, as a separate notice.

(6) The service of a notice under subsection (5) in accordance with the provisions of the Local Government Act 1934 for the service of notices is sufficient for the purposes of giving notice to the owner of a relevant allotment of an amount payable under this section in respect of the allotment.

(7) An amount payable under this section in respect of a relevant allotment for a relevant period is payable to the council—

(a) unless paragraph (b) applies—on the day on which general rates on the land comprising the allotment for the corresponding financial year are payable to the council under the Local Government Act 1934.

(b) if general rates on the land comprising the allotment for the corresponding financial year are payable in two or more instalments—on the day on which the first instalment of those rates is payable to the council under the Local Government Act 1934.

This clause relates to the point made by the other place that this is a money bill. It picks up the money clause that previously was crossed out in the other place and simply reinserts it here.

Amendment carried; clause as amended passed.

Remaining clauses (5 to 10), schedule and title passed.

Bill read a third time and passed.

SITTINGS AND BUSINESS

The Hon. R.G. KERIN (Deputy Premier): I move:

That the House at its rising adjourn until Friday 19 November at 2 p.m.

Motion carried.

ALICE SPRINGS TO DARWIN RAILWAY (FINANCIAL COMMITMENT) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

BUILDING WORK CONTRACTORS (GST) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

HERITAGE (DELEGATION BY MINISTER) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

YUMBARRA CONSERVATION PARK

Adjourned debate on motion of Hon. D.C. Kotz:

That this House requests His Excellency the Governor to make a proclamation under section 43(2) of the National Parks and Wildlife Act 1972 that declares that rights of entry, prospecting, exploration and mining under the Mining Act 1971 may be acquired and exercised in respect of that proportion of the Yumbarra Conservation Park being section 457, north out of Hundreds, county of Way (Fowler) and that a message be sent to the Legislative Council requesting its concurrence thereto.

(Continued from 11 November. Page 452.)

The Hon. D.C. WOTTON (Heysen): I have had the opportunity to visit Yumbarra on a number of occasions, and that is probably more than the majority of members in this place can say. I must say at the outset that I do not have a lot of faith in the process that has been followed with respect to this issue, in particular, the outcome of the 1996 parliamentary inquiry.

In the media release that accompanied the release of that committee report, it is stated that state parliament should consider the reproclamation of part of Yumbarra Conservation Park to allow mineral exploration once it has received further information on management and access issues. The press release goes on to say that a House of Assembly select committee has recommended the reproclamation of a portion of the Yumbarra Conservation Park for a limited period of time to allow strictly controlled exploration by the Department of Mines and Energy to determine whether any economic mineralisation exists in the central portion of the park.

The media release also states that the report tabled in parliament recommends that, before considering a motion for reproclamation, parliament should seek further information

on management and access issues, including procedures and measures to minimise the impact on the environment, Aboriginal interests and exploration work programs.

The committee found that mineral exploration and development could be undertaken with minimal environmental disturbance over a small restricted area of the Yumbarra Conservation Park and, in fact, the committee recommended that part of the park be reproclaimed for up to three years to provide for exploration only, not mining.

The committee also believed that it was inappropriate for the government to approve mining in Yumbarra without any capacity to judge the significance of the development and its impact. The committee found that the South Australian community had the right to know what, if any, economic benefits would be forgone should the existing constraints which prevent any exploration or mining in the park prevail.

The committee's report recommended reproclamation for a limited time to allow the Director of Mines to conduct exploration activities and for the Director of Mines to report back to parliament on his findings within six months of the conclusion of such exploration. The select committee inquiry, of course, followed the discovery of an anomaly in a pocket of the central section of Yumbarra Conservation Park.

Things have obviously changed since then. I have a copy of the biological survey of the Yumbarra Conservation Park in South Australia. That document was released in 1995. I am not aware of any other documentation associated with a biological survey since that time. There is a lot of interesting material in that survey, but I suppose I would have preferred to have some more up-to-date information if that was at all possible.

I am certainly very much aware of the attitude of the local community. This was made very clear to me over a period of time, and I certainly understand the community attitude which was expressed very clearly in this place by the member for Flinders in particular. Obviously, there is a significant interest in the opportunities for jobs and development in that area, and that is perfectly understandable.

Those who have taken the opportunity to speak on this issue previously have referred to some of the issues concerning the Yumbarra Conservation Park. It is an important component of the state's protected area system. Some 106 190 hectares were proclaimed in 1968, and this meant, of course, that there were no mining opportunities, and a further 221 399 hectares were added in 1987, where mining was permitted.

The area certainly does conserve a sample of West Coast mallee. We are told that, in particular, 12 plant communities can be found in that area. It is a high quality natural resource with little disturbance. It is species rich and diverse—despite popular misconceptions, I would suggest, about the arid environment.

The conservation park belongs to a category of parks afforded the highest protection where, of course, mining is precluded. It is also recognised as having a reasonably high wilderness quality. The substantial issues we need to look at in this debate are, first, changing the park's status. It is, of course, widely believed that protected areas should be free of all exploitative use. In South Australia, 76 per cent of our parks are available for mining activity and, of course, this has come about as a result of a policy change where most dedication since 1985 has allowed for mining. By contrast mining is precluded from all conservation parks in Victoria. There has been quite some debate about that particular issue but the debate, of course, has been largely philosophical.

The impact of mining is something that does need to be considered. Past exploration activity has left a legacy of tracks and disturbance through the park. This is, of course, repairable but, I would suggest, highlights the very real need to ensure that guidelines and protocols are in place and adhered to when exploration is carried out. Substantial work, of course, is required to deal effectively with this legacy and those who have visited the park would be very much aware of that. However, I suggest that if carefully managed the impact of mining and associated activities could be restricted to a relatively confined area.

Hypothecation of a component of royalties or some other mechanism could be required to provide for this increased level of management. I know that hypothecation is not something that has been considered sympathetically by the government, but it is something that could be considered in time. Because there are extensive areas of similar ecosystems adjoining Yumbarra, mineral exploration and mining activity within the targeted area can be off-set by the reservation of another comparable area in the vicinity, and I am pleased that the minister has determined that this should be the case.

An outcome of the benefit to all South Australians is possible as a result of the measure that is before the House at the present time. It could include adjustments to the protected area systems so that, on balance, their intrinsic worth is maintained or, I would suggest, increased, and that is being considered. That is referred to in the bill where it talks about proclaiming an equivalent park area with similar values; the possibility of upgrading the status of nearby parks, etc.; and the matter of hypothecation of a component of royalties or some alternate funding device in order to provide for park management in the region. That is something I would support very strongly.

I will support the motion, but I must say I would have preferred to have been standing in this place supporting a proposal that provided for exploration only with the opportunity to consider mining at a later stage. However, I recognise that that opportunity is now not with us. I have always been of the opinion that an opportunity should be provided for a debate to occur around the value or the importance of, in this case, the minerals that are to be mined once we know what they are and that that should be compared against any cost to the environment that may occur as a result of mining proceeding.

I do believe that the government has been reasonable in the way that this issue has been handled. It is a difficult situation and, while I do have a number of concerns, some of which I have already mentioned, I support the bill.

Mr HANNA (Mitchell): I speak briefly to the motion which will lead ultimately to mining in Yumbarra. I speak only briefly to make a more or less philosophical point about the trade-off between environmental and development concerns. I am afraid that ultimately it is a trade-off. You cannot always have both. One distinguishing feature between the Labor Party and the Liberal Party, although so many other issues are blurred, remains concern for the environment. Labor has had a much stronger record in terms of environmental concerns and we will continue to demonstrate that we have more of a commitment to looking after our natural heritage.

On the other hand, the Liberal government has followed in the footsteps of the Liberal Party over many years in preferring development and the promise of profit to some

mining companies at the expense of a beautiful piece of natural heritage in South Australia. It is not surprising because we do, after all, ultimately represent different groups in society, although there is a lot of overlap and, after all, environmental concerns simply are not the province of the people whom we represent on this side. Something like Yumbarra is a treasure which is there for all of us. I am afraid that it will be diminished by the process which the government is now commencing and I think that that is shameful.

Mr MEIER secured the adjournment of the debate.

ADJOURNMENT

At 10.47 p.m. the House adjourned until Friday 19 November at 2 p.m.