HOUSE OF ASSEMBLY

Thursday 1 June 2000

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

DOOR-TO-DOOR SALES (EMPLOYMENT OF CHILDREN) BILL

Mrs GERAGHTY (Torrens): I move:

That the Door-to-door Sales (Employment of Children) Bill be restored to the *Notice Paper* as a lapsed bill, pursuant to section 57 of the Constitution Act 1934.

Motion carried.

NETHERBY KINDERGARTEN (VARIATION OF WAITE TRUST) ACT REPEAL BILL

Mr HAMILTON-SMITH (Waite) obtained leave and introduced a bill for an act to repeal the Netherby Kindergarten (Variation of Waite Trust) Act 1997; and for other purposes. Read a first time.

Mr HAMILTON-SMITH: I move:

That this bill now be read a second time.

In bringing this bill before the House I seek to rectify a situation which has caused considerable community concern in my constituency of Waite. Some time ago, it was resolved that the Netherby Kindergarten, which was located on the Waite arboretum site in Mitcham, would be rebuilt by the education department. The process of rebuilding that kindergarten was to require extensive demolition, earthworks, the removal of trees and considerable damage to the arboretum at Waite. That was a matter of considerable community concern.

The facts are as follows. On 29 January 1914, certain land at Urrbrae, being the whole of the land comprised in section 268 of the hundred of Adelaide, was transferred in fee simple by Peter Waite to the University of Adelaide. By virtue of an indenture made on 29 January 1914 between Peter Waite and the university, the transferred land is held by the university subject to various trusts. The Netherby Kindergarten act varied the terms of the trust so as to enable the university to lease a particular portion of the western half of section 268 to the kindergarten, the site occupied by the kindergarten since 1945, and in fact it propped there virtually without title from that date.

The kindergarten is now relocating to a site that is not subject to the trust. As the local member I must congratulate the Minister for Education and Children's Services and the government for the way in which they have listened to people and for the way in which they have responded by deciding not only to rebuild the kindergarten but to rebuild it at added cost at another convenient location a short distance from its present site, bringing about a win-win situation whereby the kindergarten will be renewed and rebuilt while the arboretum at Waite will be preserved in perpetuity.

My view from the outset was that the terms of the trust should be restored to the terms that existed immediately before the commencement of the Netherby Kindergarten act. I should inform the House that the parliament did not act in undue haste in introducing the 1997 act to vary the trust. In fact, it was the subject of a parliamentary select committee; the intention to vary the trust was advertised in the local media; evidence was taken; and there was a degree of community consultation before eventually both Houses in this parliament decided to enact the bill.

The problem was that the full implications of the bill were not realised in the community in 1997 at the time that the original bill that I seek to repeal was passed. Had the community known that the passage of that bill would result in extensive earthworks, the removal of trees and a permanent and dramatic change to the aesthetic appearance and beauty of the site, the community outcry would have been far greater. Of course, once the plans to rebuild were promulgated and once the full extent and implications of the 1997 act were known to the community of Mitcham, quite understandably, a considerable degree of concern was raised.

The bill that I introduce today is very brief. It contains a preamble and a few short clauses. Clause 1 simply relates to the short title. Clause 2 merely contains the provision repealing the 1997 act. Subclause (2) provides that the terms of the trust are to be taken as they originally applied immediately before the commencement of the repealed act. Subclause (3) provides that, despite the effect of subclauses (1) and (2), 'no person will be liable in law or in equity for breach of trust by virtue of anything done under the repealed act or by virtue of the occupation by the kindergarten at any time of the relevant portion of the western half of section 268'. The purpose of this clause is to provide some protection for the government in respect of any claim that might come forward in future years regarding what may have happened prior to the repeal of the act when a kindergarten operated on this site.

This is a simple and concise bill. It reflects my firm view that local members must consult with and listen to their communities and at all times try to achieve a win-win outcome for all parties concerned. If ever there was an example of that being achieved, this is it. The community was divided. There were two large groups (well in excess of 1 000 people) actively involved on each side of the debate. One group earnestly argued that the kindergarten should be rebuilt at its location on the Waite Arboretum site. The other group earnestly argued with equal vigour that another site should be found. At one stage, there was even a call for the kindergarten not to be rebuilt at all.

The government listened to all parties. At my request, the minister met with both sides of the debate. There was exhaustive written, verbal and personal contact between the government (through the Minister for Education and Children's Services) and me and the parties involved. As I mentioned earlier, the outcome was that the kindergarten is to be rebuilt at another location not subject to the trust a short distance away—I hasten to add at additional cost to the department.

This sends some clear messages to the community—and I will return to that towards the end of this address. The circumstances leading to the tabling of this bill this morning are a tribute to the willingness of the Mitcham community to argue strongly for what they believe is right. I want to mention a few people who were involved in bringing about this outcome. I will start by congratulating the representatives of the committee of management of the Netherby Kindergarten. Ms Angela Hay, the President of the committee at the time, came to see me with a delegation which included Ms Jenni Carr, the Vice-President, and other members and friends of the committee. They put forward a well argued case for the rebuilding of the kindergarten at the arboretum site. They showed great belief and faith in their kindergarten

which, I must say, is probably one of the best known and regarded kindergartens in Adelaide.

The Netherby Kindergarten has a long history and record of providing first-class educational outcomes for children aged 0-6 and preparing them for primary school in a way that I think is second to none. The dedication of the staff and the commitment of the friends, parents and community surrounding Netherby Kindergarten is beyond question. The children of many who argued that the kindergarten should be rebuilt at another site had attended the kindergarten. These people dearly loved, admired and respected the kindergarten, but found that the right thing to do was to rebuild it a few hundred metres away.

Netherby Kindergarten stands out as a beacon of success. It is an institution in the Mitcham community of which we can all be proud. It has endured extremely tough circumstances during the last year or so in temporary lodgings at the Unley High School whilst this matter was resolved and building work organised for the new site. These people argued their case well and with considerable dignity.

On the other side of the argument were the Friends of the Arboretum, the Friends of the Trees in Mitcham and the Friends of Open Spaces. In particular, Ms Diana Mayfield is to be congratulated for the work she did networking the community to ensure that the outcome which they felt should be achieved took place. Supporting her was Dr Colin Jenner, Caroline Stranks, Roger Bungey, Eleanor Handreck and Dr Jennifer Gardner who is primarily responsible for the care of the arboretum, and her colleague, Yvonne Routlidge, who looks after the adjacent Urrbrae House. All these people threw themselves into bringing about the outcome that they believed was right by using this wonderful democratic process which we enjoy in South Australia and our great country to get a result that was fair to all.

This is an active, vibrant community, comprising high quality people who are prepared to go to bat for what they believe in. Further, it is a community which, because they put forward sound arguments with skill, poise and dignity, they were listened to and ultimately upheld in a way that has now enabled us to see both a brand new kindy being built which will be absolutely outstanding and the trees on the site and the natural beauty of the arboretum preserved.

I conclude my remarks by making a few observations about how this situation came about. I point out to the House, as I have to the community, that the original 1997 bill was passed with the agreement of all parties in this House and the other place. The ALP (in opposition), the government and the Australian Democrats all voted to support the 1997 bill.

Mr Atkinson interjecting:

Mr HAMILTON-SMITH: I note that my colleague opposite was one of the people who spoke with great poise and alacrity in favour of the bill in 1997. Indeed, I have the *Hansard* in front of me. He clearly made the point that the kindergarten should be rebuilt, the trees should be mown down and there should be earthworks on the site, etc.

I want to make special mention of the Australian Democrats, because when this issue was first drawn to my attention in December 1998, the Democrats were quick to huff and puff about the need to preserve the Waite Arboretum and save the trees, etc. A well-known Democrat, a former candidate for a federal seat, had the temerity to go to a function at Urrbrae House, which was attended by the friends of the arboretum, and wax lyrical about how important our trees are and how we have to fight to stop their being chopped down, how terrible it was that the government was going to do this shocking thing with earthworks at the site and the gum trees being chopped down, etc. However, he forgot to check with the Leader of the Democrats in this parliament (Hon. Mike Elliott) to see what the Democrats' policy was. I am sure that, to his absolute astonishment, he found that the Democrats supported the bill.

The Australian Democrats want to have it both ways. They were quick to support the 1997 bill. They did not give a hoot about the trees, but suddenly when it became a controversial issue, the Australian Democrats said that we have to save the trees. If ever there was a party which blows with the slightest zephyr of public opinion, which swings around and goes with whoever is screeching on the day, it is the Australian Democrats.

There is one message to be gained from this whole experience: if the Australian Democrats lived up to what they claim to be, a party which looks after the environment, the proceedings in this place would be quite different. The reality is that they say one thing and then do something totally different.

This bill will repeal an act that we no longer need. It shows the government is listening. With pride, I report that it was supported in the government party room, and I look forward to its passage. I seek leave to have the detailed explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Preamble

The Preamble to the Bill contains some of the background facts leading to the proposed repeal of the Netherby Kindergarten (Variation of Waite Trust) Act 1997 (the Netherby Kindergarten Act). The facts are as follows:

- On 29 January 1914, certain land at Urrbrae (being the whole of the land comprised in Section 268 of the Hundred of Adelaide) was transferred in fee simple by Peter Waite to the University of Adelaide (the University).
- By virtue of an indenture (the Trust) made on 29 January 1914 between Peter Waite and the University, the transferred land is held by the University subject to various trusts.
- The Netherby Kindergarten Act varied the terms of the Trust so as to enable the University to lease a particular portion of the western half of Section 268 to the Kindergarten, the site occupied by the Kindergarten since 1945.
- The Kindergarten is now relocating to a site that is not subject to the Trust.

The terms of the Trust should therefore be restored to the terms that existed immediately before the commencement of the Netherby Kindergarten Act.

Clause 1: Short title

This clause is formal

Clause 2: Repeal

Subclause (1) provides for the repeal of the Netherby Kindergarten (Variation of Waite Trust) Ad 1997 (the repealed Act).

Subclause (2) provides that the terms of the Trust are to be taken to be as they were immediately before the commencement of the repealed Act.

Subclause (3) provides that, despite the effect of subclauses (1) and (2), no person will be liable at law or in equity for breach of trust by virtue of anything done under the repealed Act or by virtue of the occupation by the Kindergarten at any time of the relevant portion of the western half of section 268.

Ms WHITE secured the adjournment of the debate.

SCHOOLS, PUBLIC

Ms WHITE (Taylor): I move:

That a select committee be established to inquire into the funding of public school operating costs and in particular—

(a) existing arrangements including the current regulation for compulsory fees, the existing levels of voluntary contributions and School Card allowances;

(b) the adequacy of government operating grants paid to public schools; and
(c) those cost items which should be met by government and those costs which should be met from other sources, including payments by parents.

This call for a comprehensive inquiry into funding of public schools and the charges that schools are now levying on parents through compulsory school fees comes in the wake of further cuts revealed in this week's budget papers to education in the state, despite the windfall promised by the Olsen government this year to education from the ETSA lease, and despite increased revenue from a range of sources, including the introduction of a new emergency services tax. Expenditure as a portion of the budgetary pie is slipping in this state and has been over a number of years with this Liberal government. This year there is no new money for education.

In real terms, education suffers a cut. Despite recent assurances by the minister and the Premier that there would be new money for education there is not, which of course is putting pressure on schools. Operating grants to schools were frozen a couple of years ago in a three year budget cutting strategy, which is putting real pressure on schools to go to the only other revenue source available to them in practical terms, that is, parents, through increased contributions; and, in this state, those contributions are now compulsory school fees.

The government no longer has an interest in the cost items for which schools are charging school fees. The government is satisfied simply to introduce regulations into this parliament, repeatedly have them knocked out and then enforce on schools the compulsory collection of fees; and it turns a blind eye to what cost items are creeping into those fees. This is not the first time I have offered the minister a mechanism for a bipartisan solution to this very real problem faced by schools. As much as we might wish to be in government, the Labor Party will not have that opportunity for at least the next 18 months and, during that time, two full school years of fees are to be collected by schools; and this situation will remain unless something is done.

Parents, and schools particularly, cannot wait for the next two years to elect a Labor government. Their crisis is happening now in terms of funding. The purpose of this inquiry is to develop a solution that leads to a better and fairer system for parents, teachers and for schools, but most particularly for students who, after all, are the ones who suffer when resources are not available for their schooling. By Australian standards, the cost of living in Adelaide is quite low but, in terms of the cost of public education, South Australia is amongst the highest—typically several times higher than in other states.

Why is this so, particularly now that this government has sold $8 billion worth of assets? It has had seven budgets to get its act together, yet the funds to public education are not seen as a priority and education, as a priority, has slipped behind. There has been less money for our schools. Even though costs for schools have been spiralling, largely due to the increasing costs of technology, other costs that are about to be imposed include the GST. All these costs must be absorbed by schools, but they are receiving no extra money to deal with them.

That is putting increased pressure on schools and they have only three sources of revenue: government grants, parental school fees and fundraising and sponsorships. However, most schools in this state are now finding that they have limited capacity for fundraising and sponsorships. They are compelled to turn to parents as their only option. There is wide support for this inquiry, not only amongst teachers and schools but amongst parents. This is not the first time that I have suggested this mechanism to the government, and support for this move has, if anything, increased.

The government blindly refuses to address the issue of which public education costs should be borne by government and which costs it is fair for parents to cover. Instead, the government shuts its eyes, says that it is the responsibility of the schools and no longer monitors or controls what is creeping into those costs. It does that, of course, because to identify those costs that are now being passed on to parents would be to admit that it is shirking its funding responsibilities. If members look at what the newsletters from their local schools tell them about what they are charging, they will discover that the fees cover all sorts of equipment, facilities' upgrades and services such as computers—all materials and services that most people in the community would regard as the government's responsibility to provide in a good quality public education system.

These materials and services are being charged to parents. The government is not paying for them and, as a result, those schools that do not have the capacity to raise this money from parents are providing fewer services. That is just a reality. It is not the fault of the schools: it is the fault of the government, and that is where the responsibility should lie. In terms of the state's high unemployment rate and our continuous struggle to get out of the economic gloom we really cannot afford to see our public education system slip further behind.

South Australia had the best quality education system in the nation. We had the highest retention rates in the nation and we spent more on education per student. All those measures of a good, strong public education system have slipped under this Liberal government and we have appalling—in fact, the worst—retention rates anywhere in mainland Australia.

The government's solution to the problem of increasing school costs is just to make school fees compulsory. We have on the books another government motion which deals with that, so I will save my comments on that. This move to set up an inquiry really is in response to the tactics that the government is using to force compulsory school fees upon schools in a very short-sighted way. It will not lead to better educational outcomes for students, and that is really what we care about most.

In its 1997 election policy, the Liberal Party promised to increase education spending to two schools without selling ETSA. It has now sold ETSA, and it still has not increased funding to schools. The outlook for funding over the next 18 months is not good. It is not a problem that will resolve itself and, without some mechanism whereby this parliament can act to sort out this problem for schools, students will suffer. I therefore appeal to government members not to exacerbate the funding problem facing our schools by becoming part of that problem and allowing the government, by way of regulation, to have its way with compulsory school fees and ignoring the pressures it will place on schools because of increasing costs. I appeal to members, particularly in the lower house, not to shut their eyes to the needs of their local schools. We all represent schools, have a lot to do with our schools and know how much the public schools are struggling.

It is time that this issue was resolved for schools, because they are the meat in the sandwich. The minister says,'No

more money. If you want money, agree to this approach.' What choice do schools have? It is no wonder that some school councils are pressing for compulsory school fees, but in the long term that is not the solution to the problem of declining standards in our public school system. The solution to the problem is to fund the public school system adequately and to come up with a better and fairer system for allocating costs to government and to parents. I urge support for this committee. Do not be fooled by any claim by members opposite or the minister that the government is across this issue and has it in hand. It has not. It is not working, and the people who are suffering are our children in our public schools.

The SPEAKER: The Chair has noted the member for Taylor's observation of a typographical area in the print of the motion and advises that the word 'not' will be struck out of paragraph (c) when the *Notice Paper* is reprinted.

Mr HAMILTON-SMITH secured the adjournment of the debate.

SCHOOL CHARGES

Ms WHITE (Taylor): I move:

That the regulations under the Education Act 1972 relating to material and service charges, made on 4 May 2000 and laid on the table of this House on 31 May, be disallowed.

This is the fourth time that the government has gazetted to set compulsory school fees in South Australia. On each of the last three occasions, Labor has moved to disallow those regulations. Each time, parliament decided to disallow the regulations. Yet this has not deterred the government from ignoring the decision of the South Australian public's representatives and gazetting those same regulations again this year. Of course, this is a clear thwarting of the intent of parliament and an abuse of subordinate legislation.

There are principally two reasons why the government uses such a tactic. It knows that, under the present composition of our parliament, it would be unable to have such an amendment to the principal act pass both houses of parliament, which would be the requirement in order legitimately to enact such a change.

Secondly, the government has used this backdoor mechanism because, in practice, it allows it to achieve what it cannot achieve through proper processes, that is, due to the restraint placed on parliamentary debates surrounding subordinate legislation, in each instance, there is a gap of several months between the time of the regulations' gazettal and their eventual disallowance. This time delay occurs because, although the regulations come into effect immediately following their gazettal, the opposition first must wait until the minister chooses to lay them to the table of the House before it can move a motion for their disallowance. Then the time for debate on that motion is limited to available openings in private members' time, that is, once a week if we are lucky.

The minister has manipulated to maximise this time delay more than once by gazetting the regulations as parliament rises. Each year, this has led to a time delay of several months during which schools can legally collect unpaid fees, even though later the parliament pronounces these fees not legally compulsory. The minister gives to schools advice which reflects Crown Law advice that she has received. Whether or not it is actually the case is something on which I will not comment.

The unsatisfactory situation for the parliament each year is that, because members cannot amend subordinate legislation (only the minister can do that), the choice is only to accept the regulations in full or to reject them. So, the same regulations are presented to the parliament each year, and the very real problem that exists in our public schools remains unresolved from year to year. It would be a much better and wiser course of action for the people of South Australia and the state of our public education system if the minister would accept the mechanism offered to him by way of setting up of the committee to inquire into this matter and resolve it in a way that improves our public school system.

Of course, the problem for schools is that they have been progressively subjected to significant funding cuts from this Liberal government, forcing them to look to other sources in order to make up this funding shortfall. For many schools—for example, the schools I represent in the Salisbury and Elizabeth areas—fund raising efforts can plug only a fraction of the funding shortfall, and schools have no option but to turn to parents to make up the difference. The problem is that this funding shortfall is growing but parents' capacity to pay is diminishing. One of the main contributing factors to that diminishing capacity to pay are the taxes and levies that this government is imposing on them. Increasingly, as the government backs away from its funding responsibilities for our public schools and as schools become accountable for the under funding of education—which really should be a fundamental government service—schools and school principals are becoming more frustrated.

I can certainly understand the call by some for compulsion of fees. However, there comes a time when parents will not or cannot pay more. Regardless of the matter of compulsory fees, the real problem at the core of this debate—that is, the under funding of our public education system—remains. For many schools that point has already arrived, and many northern suburbs primary schools, for example, have come to the conclusion that their communities cannot afford to pay any more. They tie their school fees to the level of School Card allowances which, I might add, under this government have been cut back significantly, even though the needs of those schools are significantly above that of many of the other wealthier schools who just happen to have a community with the capacity to pay more.

It all comes back, I believe, to whether you believe that education is a right or a privilege. Labor strongly believes that it is a fundamental responsibility of government to provide universal access to a strong, high-quality public education, and that all children have a right to that education. We are not simply ideologues. We acknowledge that schooling has not been free for a long time in practice in South Australia, and that parental contributions now make up a significant part of school budgets. In fact, information as of a couple of years ago was that they made up more than $20 million. I do not have more recent figures as to the level of contribution last year, but obviously it was some amount more than that $20 million.

Most parents are willing to contribute voluntarily to their children's education, but what more and more parents are objecting to is that they are now being asked to pay for those items for which the government really should be responsible. Many parents accept responsibility for the consumable items that their child uses, but are beginning to object strongly to having to pay for building works, basic school equipment and teachers or school support staff salary time. That is precisely the type of cost items that have been progressively creeping

into school fees charged to parents, and this government has been allowing that to happen, because it means that, if parents are paying, it does not have to pay.

Maybe some in the community, who do not have children in schools or who are not grandparents and do not have grandchildren in schools, might say that is okay if the government is spending money on other worthwhile items. Rather, what this government has been doing is wasting that money on expensive consultants, bad deals, bad contracts, and generally mistargeting those precious taxpayer dollars that could be spent on education in our public schools. The government no longer accepts responsibility for the costs that schools pass on to parents. In fact, the government does not even know what individual schools charge for. The minister simply says it is a school responsibility to set their own charges, and wipes his hands of the matter.

However, there is another problem that the government creates for schools in addition to the dilemma of having to make up an expanding funding shortfall from parents with an increasingly diminishing capacity to pay. That is the predicament that this government has placed schools in by regulating for a 'materials and services charge'. I refer here to the unresolved issue of the portion of government school fees that is subject to the new GST. This is an issue not only for this year but into the future as the GST obviously will not go away quickly.

Members would know that the minister advised schools to notify parents this year on their school fee accounts that such fees could be subject to the GST. Indeed, the minister has been unable to answer specific questions in parliament about how much GST is payable on public school fees and whether the schools will have to go back to parents this year to ask for more money in order to cover the tax liability, or whether schools themselves will have to absorb those costs. Instead the minister simply states that schools will have to determine what aspects of their own fees are subject to the tax. As far as he is concerned, it is not his responsibility. Indeed, this minister repeatedly expresses his delight at the introduction of the GST.

But neither is he allocating any additional funds to schools to cope with the extra costs they will now incur in administering the Liberal government's new tax. I might add that schools have informed me that the costs they are facing in extra administration hours for school support officers alone will impact significantly on their budgets. An impact of significance on their budget means either a hike in school fees or fewer services for our children's education.

This dilemma about the GST on public schools fees is a uniquely South Australian problem, directly brought about by the backdoor method this government has used in gazetting regulations for a 'materials and services charge'. It sounds very much like a goods and services charge, does it not? According to the government's own crown law advice produced back in 1997 to justify the regulations first introduced then, these items cannot under the principal act be reported as tuition items. The tax office has made clear that all items not tuition items attract the GST.

I will not dwell too much on this aspect, even though the implications for parents at schools having to pay GST on school fees are of much concern to the opposition, because the most important issue in this debate is the core problem facing schools, and that is that the government is starving schools of funds and stepping back from its responsibility to adequately fund public education in this state, while shirking accountability for what is being delivered by our schools in exchange for that reduced funding. Then it comes along in response to calls for more money and regulates to make parents pay more. The problem is with the government's shirking its responsibility, not with parents shirking their responsibility. I could not emphasise that any more. It seems that this government is blaming parents for the funding shortfall in their schools. It is not parents who are to blame: it is clearly a government responsibility, and it should be held accountable for it.

We already pay taxes to provide a high standard of public education. This government has been at the helm for seven budgets and has undertaken $8 billion of asset sales, leased ETSA, introduced new taxes like the emergency services tax, yet we are still seeing massive cuts to education each year. This year was no different. In real terms, there are cuts to precious education resources. It is a matter of priorities, and the problem will not be fixed until the government stops blaming parents and schools for its own budgetary mismanagement. I appeal to members in this House to contribute to the solution to the funding crisis in our schools rather than exacerbate the dilemma by allowing the government to shift its funding responsibility onto schools and parents. I urge support for this disallowance motion.

Mr HAMILTON-SMITH secured the adjournment of the debate.

CONSTITUTION (PARLIAMENTARY TERMS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 13 April. Page 933.)

Mr HILL (Kaurna): I want to speak briefly in support of this bill, which I think it is a sensible reform that is well overdue. The history of parliamentary democracy in Australia has meant that governments have been able to call elections at their own whim, and they have used that right to maximise their own chances of political advancement. It seems to me that that is an inherently unfair device.

Mr Hamilton-Smith interjecting:

Mr HILL: I agree; I am not saying we have not done it: both sides of politics have done it. It has always been the practice, and always the government of the day says that it is a great idea because it has maximum flexibility and it can call the election when it suits its particular purposes. Oppositions say that that is unfair: the government should tell them when it will hold an election. But I think we should be able to debate the issue without getting into what one side did or did not do. It makes a great deal of sense to have fixed terms every four years on a particular Saturday in November or March, whichever time of year is chosen.

Mr Hanna: October.

Mr HILL: October—whichever time of year is chosen, there will be a state election. It allows both parties adequate time to prepare; it allows the media and the community to know when the matter will be resolved; and it takes the politics out of the election date itself. The politics should be focused on what the political parties are offering, not when the election will be held. It is certainly true in other jurisdictions. In New South Wales and, I believe, in Tasmania there are now fixed terms, and they work quite well: I do not think they advantage one side over the other. In fact, in the United States of America they have had fixed-term elections for many years.

I think this is very sensible. It is a modest change to the law. It would allow commercial and retail interests, the leisure industry, and so on, to plan properly without having to worry about an interference that an election campaign may cause. For all those reasons and the reasons mentioned by other speakers, I fully support this proposal.

Mr LEWIS (Hammond): I do not have so much a problem with the principle of the legislation as I have with the timing of the elections that the member for Mitchell has included in it. In my judgment, it would be far better if the time were to be in March each year—not prior to Christmas, but after Christmas in March each year—because at that time people who have left school five to six months earlier will have been able to find some focus and direction in their life more likely than if they were voting in an election for the first time having just left school in that period of October-November. Equally, in March it is possible for an election campaign to be conducted in far more pleasant weather than is possible, or predictably so, in October-November, or any other time of the year for that matter. If you were to look at the climate records for South Australia you would find that maxima and minima in temperatures are closer together and nearer to 20 degrees; that rainfall across most of the state is lower than it is likely to be at any other time; that there are fewer thunderstorms and therefore less likelihood of disturbance to election material and to the processes by which some candidates and their supporters would want to canvass the support of the electorate. Altogether, it would make for a far more civil approach to the election process—if for no other reason than that it removes from people the temptation to vandalise material distributed by or erected by opposing candidates' supporters and then claim that it was probably a storm or inclement weather or something like that.

I believe that the best interests of order in our society—it is our state; it is our future—especially the people we represent, will be served by having any fixed date for an election set in the autumn, in March. I say that against not only the research which I have done and to which I have drawn attention in the course of these remarks, but also because that was the view held by Mick O'Halloran and Tom Playford when they both agreed that March was a better time for South Australians to go to the polls. It did not provide anyone with any specific advantage, but it gave everyone the opportunity to participate in the election process far more civilly.

If polling day is held in March, there is less likely to be a heatwave and it is less likely to be extremely wet. Therefore, there is less chance of discomfort to the elderly, the infirm and the disabled in getting to and from the poll, election to election. At present, there is the risk that, if you hold an election through the winter, it will be a terrible day and, if it is wet and cold, it is unpleasant for people who do not have good blood circulation. It is unpleasant for people in wheelchairs to get to the poll. Although the people concerned can apply for a postal vote, most of them like to participate in the process as though they were no different from anyone else. For all those reasons, I am saying that in committee, if this bill passes the second reading, I would seek to amend that provision and change that date, in order to ensure those advantages—however slight they may seem, although I consider them to be significant—for all the people and groups in question.

Let me now address the principle of having the option left to one person—the Premier—as opposed to having it fixed in law. The argument has already been well canvassed that Premiers and their advisers have been notoriously mistaken by thinking that they can 'set the stage' and catch their opposition unawares. The public, frankly, are not that bloody stupid. Recent history indicates that they are not to be conned—and will not be conned. They make up their mind on factors other than the way in which the government wants to prune the tree of policy and perception to give it shape and appearance most favourable to itself.

So, try as you might to set the stage for doing what you wish if you are Premier and you are a member of the cabinet of the day, you will not divert the public, the press or anyone else from dealing with the issues which have worried them over the past four years. I think that is where most of the minders of the people in power, who have occupied the front bench in my time in this place (and even before my time, when I was an observer of it) get it wrong—the same as all the journalists got it wrong during the period of the pilots strike. Politicians and journalists were in a great tizz about what was going on. The papers and the electronic media were full of argument for and against the pilots strike and the way in which Bob Hawke, as Prime Minister of the day, with the support of his cabinet, brought in the troops to break it. At the end of that period, when one surveyed what the public thought of that whole issue, it was found that it was a big yawn; it did not matter to the public at all.

What matters to us in our lives and the way in which we go about it, and what we talk about to journalists, is not the way that the public sees it. I am saying that the issues that have arisen as items of concern in the minds of constituents since the last election, when they resurface in the course of the election in hand, grip the public's attention. One cannot divert the public from then being reminded of how inconvenient it was or how wrong they thought it was for such and such a decision to be made, as opposed to an alternative approach solving the problem. We will be better served, rather than relying on the judgment of our political leader—whomever that may be and from whatever party that person may come from time to time—if we put it in legislation and leave it there. It will not make for the kind of dislocation about which I have heard some members argue. It will not make for a bastardisation of the process and change the agenda.

After all, we know that when the term of a parliament is expiring politicians and governments of which they are comprised set out to put as much of a favourable spin on their own perceptions and those perceptions they want the public to have embedded in their minds as they can. So, that will happen, anyway. Let us do it in a civilised manner. Let us acknowledge that the time has come to go back to the people to determine who should have the power and the authority. I urge all honourable members to at least give us a chance to debate the clauses of this measure by supporting it to the second reading.

Mr HAMILTON-SMITH secured the adjournment of the debate.

CITY OF ADELAIDE (DEVELOPMENT WITHIN PARK LANDS) AMENDMENT BILL

(Second reading debate adjourned on 4 May. Page 1080.)

Bill read a second time.

In committee.

Clauses 1 and 2 passed.

Progress reported; committee to sit again.

LIQUOR LICENSING (HOTELS NEAR SCHOOLS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 October. Page 318.)

Mr MEIER (Goyder): I move:

That the debate be further adjourned.

The House divided on the motion:

AYES (16)

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

NOES (19)

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

PAIR(S)

Armitage, M. H.	Breuer, L. R.
Brokenshire, R. L.	Ciccarello, V.
Gunn, G. M.	Snelling, J. J.
Hall, J. L.	Bedford, F. E.
Olsen, J. W.	Atkinson, M. J.

Majority of 3 for the Noes.

Motion thus negatived.

Mr MEIER: Members are well aware that this bill was brought in with one particular purpose in mind, and that related to the Woodend Primary School and the proximity of that school to a proposed liquor licensing facility nearby. Members are also well aware that the issue has been debated over quite a long time and that the government has taken action on this issue by purchasing the whole centre, but it seems that is not good enough for the member for Mitchell. He wants to make some political capital out of this. We have heard it in question time and we see another example today that he cannot rest on what he has. He realises that he has been defeated on this issue from the point of view that the government has stepped in, analysed the figures, and determined that it is more economic for the government to buy the whole site and ensure that the school, which is growing at a rapid rate, is enlarged on site.

The Hon. R.G. Kerin: He didn't want a solution.

Mr MEIER: As the Deputy Premier interjects, the honourable member did not want a solution. He simply wanted a political hook for the election campaign. I am very disappointed in the member for Mitchell for not recognising that what he set out to do initially, which seemed to be fair and reasonable, has now been resolved by the government. He is not prepared to accept the umpire's decision. He still needs a big issue to win the seat at the next election, so he does not want to let the government get away with it by purchasing the whole lot.

We heard questioning some time ago about the amount paid, and I would say that the respective ministers made it very clear that it was an excellent purchase price, and I congratulate the government on its negotiations. Then some members opposite tried to throw some extra mud by suggesting that there had been some political donations to the Liberal Party, which the Liberal Party did not deny for one moment, but we found out that the same group had donated to the Labor Party. Suddenly the mud was on their face.

It is very disappointing that the adjournment of this item of business has become a political battle on the floor of the parliament. I can see why the member for Mitchell is continuing to push it, because he wants to make it a political issue. He was not interested in the welfare of the students or the parents of the school. That was completely irrelevant and incidental to the whole thing. He could see that he could gain a few votes and, if that is the way in which the member for Mitchell has sought to handle this issue, I am disappointed, and I certainly will not be supporting the bill.

Mr LEWIS (Hammond): I do not support the bill and the sooner we dispatch it the better. There is no question about the fact that what was proposed was lawfully proposed and that this legislation, if it were to get up, would have breached one of our fundamental principles as good legislators, and that is that it would have been applied retrospectively to the detriment and misadventure of the people who own land in the vicinity of a school that had been purchased with the intention of establishing a hotel.

Good planning as it stands at present, if people accept their responsibilities within the department and in local government, would prevent such things from ever happening in the future. The instance to which the member for Goyder has drawn attention at Woodend is, as he says, the reason the member for Mitchell brought the bill into the chamber. I have to say to the member for Mitchell that I am inclined to agree with the assessment made by the member for Goyder that the member for Mitchell was acting as an agent for the Labor Party in bringing the measure here in order to gain advantage politically for the Labor Party over this issue in the electorate of Bright. That does not mean it is unworthy of him. It just means that it is now a redundant piece of legislation.

It is redundant because good planning law addresses the general case, it is redundant because local government has greater responsibility for these decisions now under the new Local Government Act than was the case last year, and it is further redundant because the particular issue of the Woodend development has been dealt with, whether fairly or otherwise I do not question in speaking to this legislation.

I am personally inclined to think that the landowners have been dealt with rather harshly on issues that related to the ownership of that land and the way it was developed from earlier times. I have reviewed some of those decisions and seen that they were, in my judgment, bad decisions, unfairly taken against the owners. I think that it is the Hickinbotham group that is involved.

Mr Hanna: And they did well out of the primary school site.

Mr LEWIS: Notwithstanding that, I do not know whether they did well or badly. They deserve to be paid what it is worth once they have done the work of getting approval for the broad acre development and committing the millions that are involved in the establishment of the infrastructure—the

roads, the footpaths, the kerbing, the undergrounding of powerlines, and all the things that we say go to make up a good living environment. All that having been done, the land is no longer farm land: it is developed land ready for either residential occupation or for some purpose other than rural production. So it does have a much higher value than the amount paid for it, and previously that was not the way in which governments dealt with it.

While I am on that point, I would like to say that I disapprove of the way in which public servants take the view that their job is to screw every citizen they have to deal with—screw them down to the last cent: catch them in weak moments or in weak circumstances and construe the deal in ways which give government servants the strongest possible bargaining position. I am sure that was not what was intended by this parliament, nor is it intended to be the image of a public service: they are there to treat fairly, honestly and honourably with members of the general public, not to screw them. That is a bastardisation of what was really intended when parliament established the structure of the public service. It is not smart and it ought not to be seen as a feather in the cap of a public servant when, effectively, that person screws someone who is in a much weaker bargaining position.

Public servants receive their salaries regardless, and for them to claim that they have done well in the public interest by screwing some poor soul or some small company, in my judgment, is not a sound basis for them to be assessed in terms of fitness for advancement within the bureaucracy: indeed, the opposite is the case. The greater the measure of honesty and just dealing that is seen to be the hallmark of their work, the greater their opportunity for advancement should be.

I come back to the matter we are considering—that we ought not to put hotels near schools: planning law says that. I commend the member for Mitchell for whatever noble principle he may have had in mind when introducing this measure but, as I have said before, I do not see any merit in its standing.

Mrs MAYWALD (Chaffey): I will speak briefly on this bill, because I would like to make it quite clear why I am opposing it. This particular amendment has been introduced on the basis of an issue that was driven by the Woodend school situation in which the community made it very clear that it would not accept the proposal of licensed premises being built next to a school. I appreciate and fully support that principle. However, I have a problem with legislating to deal with individual issues. We have a planning act in place (as it is now) and that planning act provides the opportunity for communities to implement what they believe is socially acceptable within the planning structures of their area. If there is a problem with the planning act, we should be amending that act.

I believe that we are already over regulated and over legislated in this country and, if we were to choose to introduce legislation every time we did not like something, we would find that it would be almost unworkable to try to accommodate all these individual issues. I believe that it is wrong to use the legislative process to address a specific issue. The legislative process should be the broad framework under which we all operate.

With that view in mind, I am not supporting this measure. However, I support the social principle that schools should not be built next to hotels and hotels should not be built next to schools. As a community, we have a social obligation to our children to ensure that that does not occur, but I also believe that the processes are in place to be able to prevent that from happening already through the planning act, sound principles and a social conscience within a community, as has occurred in this instance. The community very clearly demonstrated that the proposal was not socially acceptable and a solution was found.

Mr McEWEN (Gordon): I rise partly to apologise to the member for Chaffey for interrupting her train of thought, but in so doing also put on the record that I fully endorse every comment she made on the matter. This bill for an act to amend the liquor licensing act is not the appropriate vehicle to achieve what I might add is an honourable aim. I am not supporting the mechanism but I am very supportive of the general view that under the planning act we need to be sympathetic to all land uses and the fact that some land uses are mutually exclusive, but simply in a generic way to try to distance one from the other is a very blunt object. We need to be far more sophisticated in terms of planning processes. Although I support the ends—and at some stage and in another way we will look at them—I do not support this particular vehicle for achieving such an end.

Mr HANNA (Mitchell): It is true that this bill was introduced with the motivation of preserving the quality of life for the Woodend residents and the safety of their children who attend the Woodend Primary School. That is to say, the bill was brought in with a specific set of circumstances in mind, but I do sincerely hold to the principle that hotels should not be built immediately adjacent to primary schools, kindergartens or high schools. I will deal with some of the issues that have been raised in the second reading debate: I think they are simple issues.

It should be noted that a number of specific planning laws apply to specific land uses. For example, there is a specific regime for pharmacies. There is already a specific planning regime for hotels which is distinct from the general planning law and, if this parliament brings in laws to lawfully recognise brothels and prostitution, then there will be specific planning laws restricting where brothels can be situated. It is not unusual for this parliament to bring in specific planning laws relating to specific uses. Indeed, it is in the interests of the people that we do so where particular land uses, such as hotels, brothels and pharmacies, have specific qualities which warrant that.

In relation to the existing planning laws and the role of local government, I agree that mechanisms are in place to stop developments such as this sometimes, but what I wanted to do was make it quite definite that, under the discretion that is allowed, under the room that exists, for interpretation in individual development plans across the council regions of South Australia, such a development could not occur. I wanted to make it definite, because it has been a community controversy and a community threat in relation to the Woodend people, and I do not want to see that controversy and threat repeated in other places around South Australia; hence the motivation to bring in this bill, which is in general terms: it certainly would have captured the Woodend tavern proposal but it would have also prevented other problems arising in the future.

In conclusion, there seemed to be three schools of thought among members about this particular proposal. There are those who support the principle that this is an inappropriate

use of land, an inappropriate development. This side of the House believes that this is an appropriate vehicle to put that principle into effect. Then there are those (and I include the members for Chaffey, Gordon and Hammond) who support the principle but simply disagree with the vehicle that is being used to bring about the desired result. However, the government has shown only a closed mind in relation to the measure. It has blown millions of dollars on the deal to purchase the Woodend Tavern site when it had the upper hand in negotiations. For six months the government has left this bill on the *Notice Paper*, doing nothing with it, desperately trying to achieve a good result but by different means. It was playing political games.

The government did that only so that it would get some perceived political benefit, rather than my doing so. However, the people of the area know the whole process. As the member for Hammond said in relation to a bill earlier today, people are not stupid. They are not being conned; they know what is going on. The government has acted shamefully in this matter and, in the process, has spent a couple of million dollars of public money, more than it ever needed to, to solve the problem.

Time expired.

The House divided on the second reading:

AYES (16)

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

NOES (19)

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

PAIR(S)

Atkinson, M.J.	Armitage, M. H.
Bedford, F.E.	Brokenshire, R. L.
Breuer, L.R.	Gunn, G. M.
Ciccarello, V.	Hall, J. L.
Snelling, J.J.	Olsen, J. W.

Majority of 3 for the Noes.

Second reading thus negatived.

PARKS AND WILDLIFE FESTIVAL

Mr HAMILTON-SMITH (Waite): I move:

That the House congratulates the organisers, sponsors and supporters of the annual Parks and Wildlife Festival held at Belair National Park on 2 April.

My constituency of Waite, as a result of the recent redistribution, will extend into Blackwood-Belair to Main Road where it connects with Laffers Road and towards the northern boundary of the Belair National Park. I indicate to the House that the events in the park and the hills face zone generally are a matter of very substantive interest to my constituents and should be of considerable interest to all South Australians because the hills face and the Belair National Park are national treasures that we should nurture.

The event held on 2 April was an outstanding success. An estimated 12 000 people participated in what has now become a wonderful opportunity to become more involved in our parks. The festival has always been a free event to celebrate parks, to encourage attendance and to acknowledge park supporters. This year the program included rock climbing, children's activities and entertainment, dance and music for the whole family, park walks, community environmental displays, native animal displays and snake handling demonstrations. Likewise, there was a strong focus on Aboriginal culture with workshops, interpretive trails and craft and art work. The festival commenced in 1997 to launch the Parks Agenda Program, a great government initiative.

A key strategy of the parks agenda is to encourage greater community involvement in the management of our parks and wildlife. This Liberal government wants everyone to feel partly as though they own our national parks. Consequently, the festival is a major promotional event for national parks and wildlife. It attracted some 3 000 supporters in 1997, growing to over 5 000 in 1998, 7 000 last year and 12 000 this year—a remarkable success. Last year the National Parks Foundation held its first Walk for Wildlife in conjunction with the festival. The walk took place again this year, raising funds for endangered species programs and celebrating the opening of the walking season, with participation of the Walking Federation of South Australia. The festival is as a result of the enthusiasm and commitment of many people, quite a number of whom reside within my constituency of Waite and within that of my colleague, the member for Davenport and Minister for the Environment, the Hon. Iain Evans. Friends of the Parks group consultative committees and staff of the Department for Environment and Heritage were involved. All these people need to be congratulated. It is appropriate to place on the public record again—and I know the minister has already done this—our appreciation for the contribution of the organisers, sponsors and supporters of the festival.

At this time, it is also appropriate to comment on the significant investment that is being made in our parks. When you think of investment, you automatically think of roads and buildings, and so on. However, this is not the only investment this government is making. Because we are concerned about parks, we have an important role to conserve for the future of those unique landscapes and the wildlife. I point out that this matter is frequently discussed by me and the members for Davenport and Heysen whose electorates abut this wonderful park, the future of which is of vital interest to us all. However, it is a matter of which we hear little from the opposition. This government is investing not only in improving the visitor experience so that people can enjoy these fantastic places but in the conservation of our unique wildlife. The investment is being made through the government's $30 million, six year parks agenda program. As one of the local members, I cannot emphasise enough the difference this is making to our parks; it is just fantastic. This $30 million, which is additional funding, has enabled much critical work to be done in visitor facilities and conservation, and boosting the number of rangers and parks staff, and those jobs are welcome in the hills electorates.

Further, National Parks and Wildlife is accessing funds through the commonwealth government's Natural Heritage Trust to undertake conservation programs and to purchase

land for parks. This investment is making a real difference—not the sort of huff and puff that we hear from the Democrats, who just seem to follow any little whim, any little popular opinion voiced without offering any constructive program about what they would do if ever they had a say. Rather, the government is making a real difference. If it has been some time since you last went to Kangaroo Island, the Flinders Ranges or any other region for that matter, you would be quite surprised by the difference in presentation and quality of your visit. Whilst it may not be as evident to the untrained eye, there is a difference in the environmental health of many of our parks through pest control, revegetation and wildlife conservation.

A wide range of conservation programs is being undertaken, some in partnership with the National Parks Foundation, to protect and enhance the environment. The key to achieving this has been the development of regional biodiversity programs. The state's first regional biodiversity plan was released for the South-East late last year and provides the framework for the conservation of our natural landscapes and species of plants and animals by addressing major threatening processes. Plans for other regions of the state are in preparation. Starting in the South-East, there has been a development of the Wonambi Fossil Centre at the world heritage listed Naracoorte Caves Conservation Park. The lively reconstruction of the world of the megafauna makes this a great place to take children to give them a experience they will not forget in a hurry. Moving up to the Coorong National Park, this government is finalising a Ramsar management plan that will give a sound framework for managing those internationally important wetlands. A successful program of fox and weed control in the Coorong is making a major difference for the conservation of mallee fowl and hooded plovers and on the Younghusband Peninsula.

Further camp grounds and day visitor facilities have been reinvigorated at Parnka Point, Jacks Point and Salt Creek. Moving across the gulf to Innes National Park on the toe of Yorke Peninsula, to complement the Government's investment in upgrading the roads and major parks, the Stenhouse Bay visitor precinct has been developed with a new park headquarters, visitor centre and redesigned and improved access road to the park. Indeed, the Minister for Environment and Heritage has opened this redevelopment in recent weeks. On Kangaroo Island the visitor infrastructure is undergoing a major overhaul, with boardwalks, trails and viewing platforms at Seal Bay, Cape du Couedic and Remarkable Rocks.

A platypus waterhole walk is being developed at Rocky River, and the entire Rocky River precinct is undergoing a major overhaul of its visitor centre and camp grounds to provide outstanding visitor experiences and a sense of entry to the Flinders Chase National Park. Further, the road between Remarkable Rocks and Cape du Couedic has been sealed. Moving back up to Eyre Peninsula, a major endangered species recovery program is under way called Ark on Eyre.

The Hon. D.C. Kotz interjecting:

Mr HAMILTON-SMITH: My colleague acknowledges what a good program this is. Indeed, her work contributed to much of what is being achieved today. This is an integrated program for the protection and restoration of wildlife and habitats on Eyre Peninsula using parks, offshore islands and private land for the recovery and reintroduction of endangered species such as the bilby, brush-tailed bettong, stick-nest rat and the mallee fowl. A key initiative was the reintroduction of brush-tailed bettongs into the Lincoln National Park late last year. Day visitor sites in both Lincoln and Coffin Bay National Parks have been redeveloped, and the Point Avoid Road in the Coffin Bay National Park was sealed several years ago—all of this by the current government.

A key initiative in the upper Eyre Peninsula has been the acquisition by the government late last year, with assistance from the National Parks Foundation, of a 120 000 hectare former pastoral lease as the state newest national park. The Gawler Ranges National Park is being established and will be the main focus for nature-based tourism and nature conservation on upper Eyre Peninsula. The scenic values and wildlife of this land are superb, and I feel confident in saying that this will become a major icon for South Australia in years to come.

Moving east to Flinders Ranges, I would have to say that this is one of the great Australian destinations. We have been very proud of the work we have done to improve the visitor experience there. I was up there recently. It is simply fabulous, and much better following its years of neglect when the opposition was in government. In the southern Flinders Ranges, day visitor facilities, camp grounds and roads have been upgraded at Mount Remarkable National Park. Further, with the assistance of the National Parks Foundation, the government recently purchased land with high conservation value to link two separate sections of the park. The government has made a significant investment in the visitor facilities and infrastructure in the Flinders Ranges National Park in recent years, as I mentioned.

Major work has taken place in the redevelopment of the Wilpena Pound precinct. The camp grounds and the day visitor site throughout the park are progressively being redeveloped. A major success in recent years has been the Flinders Ranges Bounceback program. This is an ecological restoration program which links an integrated feral animal control program to natural recovery processes, weed control, strategic revegetation and fauna recovery initiatives. I stress that this program is unique in that it is making a change at a landscape scale, and it is working. The success of the program has been marked by the dramatic recovery of populations of the threatened yellow-footed rock wallaby. Further, brush-tailed bettongs have recently been reintroduced to the park. This program is being extended beyond the Flinders Ranges National Park to the Gammon Ranges National Park and other landholdings in the North Flinders region.

Outback touring has been given a major boost in recent years with the redevelopment of the camp ground and visitor facilities at Dalhousie Springs in the Witjira National Park. The Wabma Kadarbu Mound Springs Conservation Park, south of Lake Eyre and conserving important mound spring groups, was proclaimed in 1996, and the government recently announced that it will now benefit from a land grant from the Western Mining Corporation to make the park nine times larger to incorporate additional mound springs. The recent rain in the Far North and the filling of Lake Eyre will see much greater interest in the region. Indeed, there has already been interest from the United States and Europe in this unusual situation.

On the Fleurieu Peninsula, there is the exciting prospect of the revitalisation of Granite Island. It was recently proclaimed as Granite Island Recreation Park to provide better protection for the island's resident penguins, and in conjunction with a new lease for the commercial facilities on

the island a partnership with National Parks and Wildlife has been established to enhance the condition of this popular destination. Visitor facilities in Newland Head Conservation Park and Deep Creek Conservation Park have also been enhanced, and a new conservation park at Mount Billy was proclaimed last year.

There has been considerable work in the Mount Lofty Ranges. In addition to the redevelopment of Mount Lofty summit and Waterfall Gully, Cleland Wildlife Park has undergone extensive revitalisation, including its visitor reception, cafe and shop. Walking trails have been upgraded throughout the Morialta Conservation Park, and major concept planning for the park will provide the direction for some exciting work there in the next few years. Walking trails throughout the Mount Lofty Ranges are being upgraded and will provide diverse and interesting experiences for the visitor. Land has been added to Mark Oliphant Conservation Park and land at Craigburn will be added to the Sturt Gorge Recreation Park.

The environmental health of hills parks such as Belair National Park has been improving in recent years through integrated pest management and revegetation works. I might add that the role of groups such as the Friends of Belair is critical for this type of work. So, these are good times for our parks. There is a real sense of achievement, that we are making a difference. I ask: what is the opposition and what are the Australian Democrats doing to contribute to the good work that is being done? From the recent budget debate, it would seem they are doing nothing but throwing mud around and rubbishing the government's effort to promote our national parks. What we are doing is the right thing for the people of South Australia. Our parks are blossoming, and the Belair National Park is a good example.

Mr HILL (Kaurna): I rise to support the motion of the member for Waite. I do so because the Government Whip last night asked me if I would do the member for Waite the courtesy of supporting it so that the motion could be voted on today. I looked at the wording and thought that it was a fairly harmless piece of parochial motion-making, so I said I would do so as a matter of courtesy. Having heard the very political nature of the member's comments and the general apologia of the government's position on national parks, I feel as though I have been had somewhat, but I did undertake to support the motion and speak today, so I will. I must say, however, that if I had not given that undertaking I would have sought to defer the motion and gone through chapter and verse the statements made by the member.

It is very clear to me why government members, particularly those who represent the lower hills areas such as the seats of Waite, Davenport and Heysen, are interested in national parks. Mr Deputy Speaker, as the member for Heysen, you have always been interested in national park issues, but I am not too sure that the interest being taken by other members is quite as honourable. The reason why the Minister for Environment is now the Minister for Environment is that the Government members concerned are very keen at this late stage of this parliamentary term to establish credibility in their electorates so that they can try to entice some of the voters who may well be inclined to vote Democrat in those electorates.

They want to convince them that the Liberals really are a green party. Anybody who believes that would believe there are fairies at the bottom of the garden. I do not think it will save the honourable member's colleagues, because I think the Democrat vote in those seats will be quite strong. The honourable member knows from history that part of the seat he holds has in fact been held in the past by a Democrat member in this House.

Mr Hamilton-Smith: He was a former Liberal.

Mr HILL: He was a former everything, that particular member, but he ended up being a Democrat.

Ms Key interjecting:

Mr HILL: More parties than Fatty Arbuckle, as my colleague says. Just to get to the substance of the motion, I do congratulate the organisers of the festival at the Belair National Park on 2 April. I did not attend the festival because I was not invited by the organisers of the festival this year, which is no doubt an oversight on their part. I was invited last year when the Belair park was under some threat from development, and of course I attended on that occasion, but I was disappointed that I was not invited this time; I would have liked to attend. I know that they do put on a very good show. It is a superb park and well deserves the support it gets. I think it is the oldest national park in South Australia, if not Australia, and has a long and very interesting history. It is unlike any other national park. Referring to it as a national park is something of a misnomer. It is a combination of parks: it is in part botanic, recreational, tourist facility and heritage. It is indeed an interesting park. If you want to know about the history of parks in South Australia, it is a good one to visit, because all the elements of all other parks are on display at the Belair National Park.

I support the motion in terms of its substance. However, I do take issue with the member in terms of some of his analyses of the great job being done by his government in national parks. He talked about the amount of money being spent in the parks. We all know that a certain amount of money is being spent, but most of that money is being spent for economic rather than environmental outcomes. I am not saying that that is a bad thing, but you cannot claim that the money is being spent for the benefit of the park. It is being spent for the benefit of tourists who might want to use the park and for operators who might want to make profit out of those parks. Again, that is not a bad thing, but let us not pretend that it is something else.

Looking at budget paper 4, volume 2 at page 10.26, members will see that under 'Output Class 5: National Parks and Botanic Gardens Management', the amount of expenses in the budget this year for national parks management services is $62.235 million, compared with the estimated results last year of $69.865 million. It is regrettable that the member for Waite, a member of the government, did not explain that discrepancy. I look forward to the Minister for Environment explaining it during estimates, but there is a reduction of some $7 million or so in the amount of money that will be spent this year.

It is also interesting that, in his contribution, the member went through a whole range of parks in South Australia, but one he did not mention was Yumbarra Conservation Park. The great commitment of his government to parks is shown in that case where they will dig a great big hole and allow mining to happen in that park. This is a park that has been protected from exploration and mining since the 1960s, and this green government of his is prepared to mine in that park and totally interfere with its protection.

The other park he did mention in part was the Gammon Ranges, but he did not mention the mining proposals currently before the government in relation to that area. Where does the member for Waite stand on mining in the

Gammon Ranges? He did not tell us about that. I am interested to know what his position is on that matter.

The other issue to which I will refer just briefly relates to Kangaroo Island. The honourable member talked about roads which have been built on Kangaroo Island. This is something the member may not know, but I would suggest to him that, as a person interested in finances and economics and so on, he should follow this up. I understand that the recently sealed roads on Kangaroo Island are starting to fall to pieces. The roadways were done in a bodgie way by a Victorian company.

Mr Hamilton-Smith interjecting:

Mr HILL: No, not by the former Labor Government. Be careful! The roads are starting to lift, and in certain areas where there should have been shoulders there are no shoulders. It is appreciated that there are roads there, but the roads are falling to pieces. It would be interesting for the member to follow that up. Perhaps he can come back to us in a later contribution and tell us what he has ascertained. I support the motion, but I do reject the kind of political points that have been made by the member. I think it is unfortunate he did try to politicise this debate; otherwise, he would have got full support from us on this issue.

Motion carried.

COMMON YOUTH ALLOWANCE

Ms THOMPSON (Reynell): I move:

That this House expresses its concern that many young people returning to schools as a result of the obligations imposed by the common youth allowance are not having their educational, social and vocational needs met by the programs which currently exist and notes that the impact of this can be damaging to schools, teachers and other students as well as to the young people themselves.

In raising this issue before the House, I note that the damages about which I will speak are not caused simply by this state government. They are as a result of a policy introduced by the Howard Liberal government, and some of the responsibility for ensuring that those policies are implemented in a way which is effective lies with that government. However, as the Howard policy results in a number of young people who do not want to be at school being forced back to school, there is a considerable impact on the state government, which also has obligations to address this situation.

I have for some time been hearing reports about the problems as a result of the common youth allowance. It is a frequent topic of concern at meetings of the Southern Youth Network which brings together workers from a wide range of activities, including employment development programs, health care and social development programs in the south. SYN has frequently expressed its concern about the way in which young people are not having their real developmental needs met by the common youth allowance requirements and are being put in a situation of grave risk in terms of activities in which they might engage when there is no money around. That is one aspect of concern.

The other aspect of concern is what is happening in the schools which those people are reluctantly attending. At the beginning of this month, I was contacted by the Chair of Christies Beach High School Council, Pam Borthwick, who was gravely concerned about what was happening in that school as a result of the presence of quite a considerable number of common youth allowance students. When I checked around with the other schools in the area, that is, Morphett Vale and Wirreanda high schools, I discovered that in each of those schools that this is also a matter of grave concern.

Christies Beach high has the major burden because it is a school with an adult re-entry program. It usually has about 350 adult re-entry students; at the moment it has 300 who want to be there and 36 who are there as a result of the common youth allowance and, very clearly, do not want to there. They are causing a lot of problems for everyone.

The problems caused by the common youth allowance situation relate largely to adjustment problems that even the most willing of those participants have. They have usually left school because they found it not suitable for their needs; there were pressures on their families; or they might have been in hope of getting work that did not eventuate. Basically, they thought they were better off somewhere other than school. Now they are told, 'No, you're not; school is the place for you.' Even the most willing of those students have adjustment problems, even when they are committed to their studies. This is complicated for the school when the students start midway through the year. It is hard enough at the beginning.

With better resources these students would be happily accommodated, but the major problems are those caused by the students who do not want to be there. They might start being committed to giving themselves a second go but, very rapidly, the problems that they had before are there again because not enough has changed. Then there are other students who are sent to school by Centrelink or other agencies simply to get the financial support they need and who have no commitment in any form whatsoever to study.

The non-committed students find it hard for many reasons. Many have been excluded or left before exclusion; they have found school irrelevant; they have drug problems; they have trouble with the law; or they have dysfunctional lives and families. Some have chronic mental or physical health problems. To force them to return to a place where they had little or no success and often felt completely alienated is unrealistic and begging catastrophe. They cannot be catered for in normal school situations. There is a real need for special programs, extra resources, financial and physical assistance, and personnel to better cater for them.

The schools are also finding that problems are caused by the administration of the common youth allowance scheme. The schools are frequently contacted by Centrelink wanting information about students' attendance records; they make rulings without consultation with the school; and job network agencies place students with the school and expect immediate information about their clients. Other agencies dealing with homeless youth also place the students at school simply in order to get the money for them. These agencies often know that current schools are not the best places for these students but, in order to get them financial support, they have no choice but to roll them off to school. The agencies ring the schools expecting attendance record information immediately. I think we all know that the high schools in our area have minimal staff in their offices, and the constant telephone calls from agencies cause them great difficulties.

I mention in the motion the issue of difficulties for CYA students, other students, the school and staff, and I will elaborate on some of those issues now. The common youth allowance students are forced to be where they do not want to be—and we all know that none of us behave extremely well when we are forced to be somewhere we do not want to be. They are forced to use the system to survive. They often end up turned off learning to an even greater extent than they

were to start with. It makes them feel even more alienated and it shows them, once again, that they do not fit into the mainstream of society.

Other school students are faced with poor role modelling and students, who might already be at risk, see the CYA students in the school and their bad behaviour and it gives them cause to think about what they are doing and whether their efforts to struggle and make do with school will be successful when they can see such obvious examples of failure around them. They bring in a negative influence for other students in their behaviour, and some of the students are threatened by the behaviour of those reluctant CYA students.

For the school there is much tying up of staff and other resources for little positive result. There is a poor attendance record, and the school is forever chasing up attendance—again, using staff time in a most inappropriate manner. Staff members have to deal with illegal and socially unacceptable behaviour. There is the constant attendance on inquiries from outside agencies. Staff have difficulty in contacting students, as they often change their address. They also have to deal with parents who are confused about what is going on and who often abuse reception and other staff because they need their children to obtain that money for the family to survive. The staff—and that means all staff not just teachers; but teachers are in the firing line—have to deal with the issue of managing the irregular attendance. They are faced with these students who have no commitment to their studies. They cop rudeness and abuse from students. They have to deal with a huge range of abilities and motivation in their students. They have to deal with constantly changing clientele, and this results in a lack of job satisfaction. There are many confrontations in the school yard and, generally, a climate of fear; and there is dissatisfaction with their jobs when so much time has to be spent for so little outcome.

The schools in our area have all tried to develop some programs, but have been very much limited by the available resources. At Christies Beach High School there is a special update class in English, science, maths and computing, which are recognised as some of the major skill requirements. They have a special group of 30 students with a counsellor, an adult coordinator and a school chaplain. They try to steer students to VET subjects. They have the availability of the full service schools but there are only 18 places in the full service schools program and, at Christies Beach High School alone (one of several schools using that program), there is a waiting list of 18. Wirreanda has developed a special program called the Wirreanda Adaptive Vocational Education program. This is being managed for its former students, as well as current students at risk, out of current resources. However, that program is not working as well as it should be if properly resourced. The WAVE program includes issues such as post placement support for students: they and their employer are supported for the first 30 days of the student's working life to help with the transition, and there is an option for them, if they do not succeed in work, to return. The program includes behaviour management programs. They are trying to introduce a driver education module, because that is very important for many students in terms of being able to either obtain work or travel to work. There are health and personal development programs and home economics programs to assist students in budgeting, focusing on healthy and balanced eating and food preparation on a budget. There are also tasks relating to problem solving, to assist students to work regularly on lateral thinking, logical problem solving and survival skills development. They also have access to the TAFE modules.

As I said, all this comes from existing resources. They need more places but they simply are not available. One of the basic lack of resources is the telephone. There is no telephone line for the WAVE program to help the students follow up placements and opportunities with employers. So, they are currently using a mobile telephone and, as we all know, that is just false economy.

Morphett Vale High School has only a small number of common youth allowance students, but that small number is also causing the same difficulties experienced in the other schools. They use the access to the Southern Vocational College, and Morphett Vale has a focus on careers in manufacturing. So, one would hope that that environment might be particularly suitable for students experiencing difficulties. But that is not working either. According to this school, one of the problems is that they are all locked into SACE, which is not appropriate. They need a different curriculum; they need curriculum resources provided centrally with the resources to adapt to the needs of particular local students and the local employment situation. They need the ability to liaise with the families and cohorts of these students and other agencies that are involved in their development so that all can work to protect the resource—these students.

They would not be in this situation if they were not facing some difficulties—whether it be health difficulties, family difficulties or simply because they were sick all through year one and never learnt to read properly. These students all deserve special attention rather than being forced off to the margins. I am pleased to report that Christies Beach High School did have one success. However, that student commenced studying at university and then fell over; she was not able to deal with the environment of university. These students need our help.

Time expired.

Mr MEIER secured the adjournment of the debate.

FIJI

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

That this House deplores the overthrow of the democratically elected government in Fiji and calls on the federal government to—
(a) withdraw Australia's High Commissioner from Suva;
(b) end foreign aid payments;
(c) have Fiji removed from the commonwealth;
(d) sponsor a resolution of condemnation by the United Nations; and
(e) implement a series of trade and sporting sanctions.

The decision of the new military regime in Suva to revoke the 1997 Fijian constitution is, of course, one of a series of disturbing developments in Fiji. One has to remember that the 1997 constitution, which followed 10 years after the previous coup in Fiji, was formed following massive consultation throughout Fiji and, in fact, was unanimously supported by a parliament dominated by ethnic Fijians. The constitution was also backed by the so-called Great Council of Chiefs, which has rapidly become an international laughing stock.

The multicultural nature of Fiji and the harmonious race relations have been torn apart yet again by an act of terrorism, in which we have seen Mr Speight and seven armed men hijack the Fijian parliament and kidnap the Prime Minister, other ministers and members of parliament. What we have seen is the failure by the Fijian military, much of which has

been educated and trained in New Zealand, Australia and Britain, a military that showed extraordinary cowardice in failing to enforce the constitution, defend the constitution and defend the democratically elected government of Fiji. We have also seen the great council veer, dither and fail to exercise its responsibilities in calling on Speight and his terrorists to back down in order to support a constitution that it had backed.

We have a situation in Fiji that requires countries such as Australia and New Zealand to take a leadership role in the region. We are witnessing the progressive destruction of democracy and constitutional rule in Fiji. We are witnessing the disfranchisement of Fijians, many of whom are sixth generation of Indian origin. We are witnessing the abrogation of basic human rights. We are witnessing the establishment of an apartheid regime in Fiji.

Fiji's elected Prime Minister and cabinet have been seized and are still to this moment being held hostage by political terrorists. The Fijian military and police completely failed, indeed refused, to respond to this direct assault on their country's democratic process. We have now seen the elected government dismissed by the President, Ratu Sir Kamisese Mara, who played a role in the previous coup in Fiji, and we have seen the parliament dissolved by unconstitutional presidential action. The President has now ceded his powers to a military regime which, in its first decree, has revoked the 1997 constitution.

It is obviously unclear what is about to unfold. It appears that the indigenous Fijian leadership is now moving to endorse and even implement most of George Speight's racist program by excluding ethnic Indian Fijians from political power. I was pleased to hear the Foreign Affairs Minister of Australia, Alexander Downer, say that he is looking at sanctions against Fiji. Those sanctions could include diplomatic sanctions and also trade and sporting sanctions. A number of things should be done if we want to demonstrate to the world that the actions in Fiji are totally unacceptable in that they have endorsed the rule of the gun and racial extremism. We need to see action taken that will hurt Fiji's illegitimate regime.

For instance, major elements of Australia's bilateral relationship with Fiji include a substantial aid program with $22.3 million allocated this year, an extensive defence cooperation program including support for three Pacific class patrol boats, and the import credit scheme, which was extended by the federal government just two weeks ago to the government of Fiji. A number of other issues need to be raised. Fiji is extremely proud of its rugby team. If we want to ensure that Fiji understands the anger of Australia in terms of what it has done to endorse terrorist action, to endorse the rule of the gun, to revoke a democratically elected government and to abrogate its constitution, once the release of the hostages has been secured we should move to end sporting ties with Fiji, particularly in relation to rugby union.

There must also be some examination of trade relationships and tourism relationships. There must also be an immediate withdrawal of all foreign aid from Australia that would underpin this regime. Obviously military ties between Australia and Fiji have not paid dividends. For many years, Australia and New Zealand have helped train Fijian forces and have had strong cooperative relationships with the Fijian military and police. It appears that that training has not played any role in ensuring that the Fijian military and police would exercise their obligations to defend the constitution and to defend democracy in Fiji. I believe that those military and police ties between Fiji and Australia should be revoked.

We have to send a very clear message to Fiji that its actions are unacceptable in our region and internationally. We should move through the Commonwealth of Nations and, now that Don McKinnon, the former New Zealand Foreign Minister, is Secretary-General of the commonwealth, we should move immediately to champion at the commonwealth the expulsion of Fiji as it was expelled following the previous coup. We should also demonstrate our leadership in the region by moving at the first opportunity in the United Nations to condemn Fiji's breach of international law. We have to press the point that this so-called government is illegal and has no democratic mandate. We, along with New Zealand, must work with other democratic nations to secure a return of democratic government. It would be very wise of Australians to defer all non-essential travel to Fiji at this time, which can only be described as perilous.

We have seen Ratu Sir Kamisese Mara act in a way that can only bring more shame to his long career as a leader in Fiji. He has failed to exercise his clear responsibilities as President of Fiji. In fact, the President's action is a fundamental breach of Fiji's constitution, specifically section 109, which provides that the President cannot dismiss a Prime Minister unless the Prime Minister loses the confidence of Fiji's House of Representatives.

It is important for Australia to apply the full weight of diplomatic, political, economic and sporting sanctions against Fiji and to encourage other countries to do likewise. Fiji's political leaders must be told in the clearest and strongest terms that they face international condemnation, isolation and economic disaster. They must be told in the clearest possible terms that Fiji will become an international outcast, and that is why I strongly support the views of Laurie Brereton, the shadow Minister for Foreign Affairs, in suggesting that the Australian government should move immediately to impose sanctions and to do so before further steps are taken to entrench an unconstitutional, unelected government. I commend the motion to the House.

Ms THOMPSON (Reynell): I had the privilege of representing the leader at a meeting of the Fijian community in Adelaide on Saturday night. It was called as a meeting of the Fijian community, but the overwhelming majority of those who attended were of ethnic origin. I encountered about 150 people who were gravely worried about what was happening to their friends and families in their homeland.

In talking with them and in listening to what they had to say, I learnt that most of them were from families who were brought to Fiji as indentured labourers by the British some seven generations ago. They regard themselves as Fijian and many of them visit Fiji regularly although they have been in Australia, on average, for about 20 years. Of those to whom I spoke, none had ever been to India. They do not see India as their homeland: they see Fiji as their homeland. They have friends of Indian extraction and of Fijian extraction.

I was moved by the way in which several of those who spoke talked about not forgetting the people of Fijian ethnic origin as well as the Indians at this difficult time. They mentioned how Indians and Fijians work alongside each other in the canefields, undertaking hard labour for very little return, and that those people of whatever origin in the community who work in the canefields will be the ones who will suffer most because they will have the least ability to control their lives, particularly when times are difficult.

They referred to the fact that, when the Indians were taken to Fiji to work as indentured labourers, the British declared that Indians would never be allowed to own land, so the Indians have access to land only as a result of 99-year leases. However, when those leases are expiring, as many of them are, given the time frame of their history, people who have worked that land for generations are given seven days' notice to leave. If they do not leave in seven days, the authorities come in, pack their possessions and take them away. The land is then reallocated. That difficult situation for Indians in Fiji was occurring even under the rule of law.

One of the participants had been in Fiji in February and he reported seeing that happen. He was in Fiji in his role as an environmental scientist, advising the Fijian government on the development of an environmental bill. That is just one of the things that we can expect will be put aside under this current horrible situation. The people at the meeting were very determined to react in a way that showed that they were Australians and to behave as Australians. It seemed that they had all taken out citizenship as soon as they were eligible.

Debate adjourned.

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

GOLDEN GROVE ROAD

A petition signed by 580 residents of South Australia, requesting that the House urge the government to consult with the local community and consider projected traffic flows when assessing the need to upgrade Golden Grove Road, was presented by Ms Rankine.

Petition received.

POLICE PATROL BASE

A petition signed by 1 623 residents of South Australia, requesting that the House urge the government to establish a police patrol base to service the Tea Tree Gully area, was presented by Ms Rankine.

Petition received.

LIBRARY FUNDING

Petitions signed by 1 036 residents of South Australia, requesting that the House ensure government funding of public libraries is maintained, were presented by Ms Ciccarello and Mr Conlon.

Petitions received.

URBAN BUSHLAND, PROTECTION

A petition signed by 47 residents of South Australia, requesting that the House legislate to protect urban trees and bushland and give local councils access to an expert intermediary body before clearance is permitted, was presented by the Hon. R.B. Such.

Petition received.

NATIVE VEGETATION

A petition signed by seven residents of South Australia, requesting that the House legislate to protect native vegetation and promote sustainable farming practice to ensure biodiversity and healthy waterways, was presented by the Hon. R.B. Such.

Petition received.

HUNDRED OF SHAUGH

In reply to **Ms BEDFORD (Florey)** 4 May.

The Hon. M.K. BRINDAL: PIRSA has not spent $100 000 on hydrogeological studies on a property in the hundred of Shaugh.

An initial regional assessment has been made of the groundwater system in the Tintinara Notice of Restriction zone. Regional hydraulic modelling was carried out to assess the impact of proposed irrigation activity. This investigation dealt with water quantity issues only. The model extended over a number of Hundreds, one of which was the Hundred of Shaugh.

A further investigation to assess the impacts on groundwater salinity of irrigation activity, due to the leaching of naturally occurring salt out of the soil profile, was also carried out for the central and eastern portion of the notice of restriction zone. This investigation was largely undertaken by the CSIRO. This investigation involved sampling 13 drill holes throughout the study area. One sample site was in the Hundred of Shaugh.

Total cost of both investigation and assessment programs is expected to be less than $85 000. This covers the period of financial years 1998-99 and 1999-2000 to date.

Department for Water Resources 'in house' hydraulic modelling and assessment	$8 000
Stage 1 by CSIRO field sampling assessment	$27 000
Stage 2 by CSIRO estimated to be less than	$50 000

EDS BUILDING

In reply to **Ms HURLEY (Napier)** 21 October 1999.

The Hon. M.H. ARMITAGE: The Minister for Administrative and Information Services has provided the following information:

1. At 25 May 2000, 91.3 per cent of the total net lettable area was let or committed to by tenants. Negotiations for the remainder are continuing.

2. It is expected that a further 630 m^2 will be let in the near future, at which time approximately 1 160 m^2 of space (i.e., less than 6 per cent of the building) will remain vacant.

3. and 4. The arrangements which commit the government in respect of the EDS building have a term of 15 years. It is meaningless to speak of 'losses' during the early years of the arrangement. The location and high quality of the building, coupled with the good economic prospects for South Australia provide good grounds for confidence that the arrangement will prove beneficial to the state. A ministerial statement made in March 1997 outlined the background to the project and its financial projections.

ELECTRICITY, PRIVATISATION

In reply to **Mr. FOLEY (Hart)** 16 November 1999.

The Hon. J.W. OLSEN: The Treasurer has provided the following response:

The second probity auditor was formally appointed on 10 July 1999.

No further work was undertaken by the initial probity auditor after 22 June 1999, other than to prepare a hand over report and brief the incoming probity auditor.

Contrary to the assertions in the question, the initial probity auditor did not declare a conflict of interest, nor did they ever have an actual conflict of interest. I am advised that on 22 June 1999 the probity auditor, a large legal firm, notified the government officer to whom they reported of the possibility of a conflict arising. It had come to their attention that one of their clients had indicated a possibility of becoming a bidder. In fact the client never became a bidder and so no conflict ever arose. The probity auditor departed the project with the agreement of Government in an abundance of caution to avoid any perception that there might be a conflict should the client in fact proceed to become a bidder.

WHYALLA AIRLINES

The Hon. R.G. KERIN (Deputy Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. R.G. KERIN: Members of the House are no doubt aware of the Whyalla Airlines crash which occurred at sea last night just out of Whyalla. Today is certainly a very sad day in the state's history, because it is one of the worst aircraft crashes that South Australia has experienced and is a terrible shock for the families and friends of the eight people who were aboard the plane.

Police and emergency services have been working around the clock since the incident searching the crash site and surrounding areas. Every effort has been put in by the rescue team, volunteers and the local community and will be maintained while there is still some hope of locating survivors from the crash.

Information from the police has confirmed that the pilot of the Whyalla Airlines plane reported both engines had failed at about 7.15 p.m. last night, 15 nautical miles from Whyalla, and that he was 'ditching' the aircraft into the sea. National and state resources were activated immediately, with police dispatching the Rescue 1 helicopter and all local service area commanders instigating their own 'crash at sea' local emergency plans. We understand that up to 50 search and rescue vehicles, including boats, helicopters and an RAAF Orion aircraft, are involved in this air, sea and land search.

Police Minister Robert Brokenshire and Police Commissioner Mal Hyde flew to Whyalla this morning to provide on-ground support and direction for police and emergency services at the site. Whyalla police have advised that relatives of the passengers have been kept informed about the progress of the search on a regular basis. At this stage police have discovered two bodies and some luggage. However, names of passengers have not yet been released.

This has been a shocking incident for the Whyalla community and other communities involved. I commend all the volunteers, who I understand have provided great support to the rescue effort, involving many private boats that took part in the search overnight.

On behalf of the members of the House, I extend our sympathy to the family and friends of the passengers, and know that the thoughts of many South Australians are with them at this most difficult of times.

Honourable members: Hear, hear!

NARACOORTE CAVES CONSERVATION PARK

The Hon. I.F. EVANS (Minister for Environment and Heritage): I seek leave to make a ministerial statement.

Leave granted.

The Hon. I.F. EVANS: I seek leave to make this ministerial statement to the House prior to giving notice of a motion to seek concurrence of both houses of parliament to abolish the Naracoorte Caves Conservation Park and reconstitute the land as the Naracoorte Caves National Park, exclusive of four minor parcels of land deemed to have negligible conservation value. The Naracoorte Caves are situated 12 kilometres south-east of Naracoorte and were first dedicated as a cave reserve in 1885 and then dedicated as a national pleasure resort in 1917.

The Naracoorte Caves Conservation Park was created by statute in 1972, with the enactment of the National Parks and Wildlife Act 1972. As a conservation park its purpose is to conserve and protect the specific karst and cave system and examples of vertebrate fossils. The Naracoorte Caves were inscribed on the World Heritage List by UNESCO in 1994. Together with the Riversleigh site in Queensland, the Naracoorte Caves form part of the Australian Fossil Mammal Sites World Heritage Property. Riversleigh and Naracoorte are identified as being amongst the world's 10 greatest fossil sites, and the fossil material in the caves is considered invaluable for interpreting the geological and evolutionary history of Australia.

Both the commonwealth and state governments have made considerable investment in the infrastructure of the Naracoorte Caves in recent years, both in terms of facilities and services and improving the presentation of the world heritage values of the caves. This culminated with the opening of Wonambi Fossil Centre by the Premier in November 1998. There are five categories of reserves under the National Parks and Wildlife Act 1972. The criteria for assigning a particular category to a reserve is determined by the natural and cultural values and the use of the reserve.

Conservation reserves comprise land that is 'protected or preserved for the purpose of conserving any wildlife or historic features of that land'; whereas national parks comprise land that is 'of national significance by reason of the wildlife or natural features of that land'. As South Australia's only world heritage site, the Naracoorte Caves meets the criteria for establishment as a national park under the National Parks and Wildlife Act 1972. The revised classification does not detract from or impose on the agency's conservation obligations or management responsibilities. The proposal to alter the status of the reserve is therefore consistent with the area's declaration as a world heritage site.

The proposal also represents an opportunity to undertake some necessary boundary rationalisations. In the process of abolition and reconstitution of the park, four small parcels of land that are considered to have negligible conservation value will be excluded, reducing the present area of the park from 470 hectares to approximately 464 hectares. The boundary of the world heritage site is not affected by the alteration to the boundary of the park. The land to be excluded from the park will remain as unallotted crown land pending native title assessment before any further dealing is pursued.

The excluded land can be described as allotment 1 in deposited plan number 48334, an area of 1.48 hectares; section 358, hundred of Robertson, an area of 1.85 hectares; the northern portion of section 396, hundred of Joanna, an area of 5 278 square metres; and the southern portion of the same section, an area of 5 116 square metres. The proposal to excise these four small parcels of land in the process of abolition and reconstitution of the park has undergone a biodiversity assessment and the results can be summarised as follows: allotment 1 contains a departmental dwelling on a rural living site developed as a parkland garden setting of mown lawns and planted local and non-local native species. The presence of threatened plants and animals was not detected on this site.

Section 358, hundred of Robertson, comprises a disused quarry, introduced grasses, exotic trees (poplars) and several native woodland species (blue and red gum) in a sparse parkland setting. The northern portion of section 396, hundred of Joanna, has been cultivated as part of the neighbouring farm for many years and contains introduced pastures. It has no biodiversity value. The presence of threatened plants and animals was not detected at this site and exclusion of this parcel will not threaten any biological values. The southern portion of section 396, hundred of Joanna, comprises a sparse, low woodland environment of predominantly planted local and non-local native species in the context of a private front garden forming part of a living area of the adjoining landowner. The presence of threatened

plants and animals was not detected at this site. The exclusion of these parcels of land would not threaten any biological values, and any remnant native vegetation at the site will be adequately protected under the provisions of the Native Vegetation Act.

There is presently mining access over .13 per cent of the Naracoorte Caves Conservation Park. Consistent with the world heritage values of the land, it is proposed that the Naracoorte Caves National Park will not be subject to any reservations for mineral or petroleum exploration and mining. The Department of Primary Industries has indicated that it has no objection to the removal of mining or petroleum exploration; consequently, the proclamation of the Naracoorte Caves National Park will be unconditional. The National Parks and Wildlife Act provides no alternative mechanism for changing the category of a reserve other than to abolish and then reconstitute the reserve. Under the act, this can be done only by resolution of both Houses of parliament.

No financial implications arise from this proposal, and it is in accord with the stated objectives in the draft management plan for the Naracoorte Caves Conservation Park and with government policy to establish a world-class parks system. The creation of the Naracoorte Caves National Park will not have any impact on staffing levels. An amendment to the plan of management for the Naracoorte Caves Conservation Park was placed on public exhibition in July 1997 and included a proposal to reconstitute the conservation park as a national park. No objections were raised by the community at that time to the proposed change of category.

The District Council of Naracoorte and Lucindale has been notified of the proposal to alter the status of the Naracoorte Caves Conservation Park and, although council has not formally responded, the Chief Executive Officer has verbally indicated that there are no objections. The local member for MacKillop, Mr Mitch Williams, has been notified of the proposed alteration to the status of the conservation park and has advised that he strongly supports the proposal. The Aboriginal Legal Rights Movement has been informed of the proposal to exclude the land from the Naracoorte Caves Conservation Park. No advice has been received with respect to the notice. However, it is intended that the land excluded from the park shall remain as unallotted Crown land and not be dealt with until all issues, including native title, have been addressed.

In respect of native title, there is no impediment to the addition of land to the reserve system through the creation of Naracoorte Caves National Park, as section 34B(2) of the National Parks and Wildlife Act 1982 provides that the 'addition of land to a reserve by proclamation under this part or after 1 January 1995 is subject to native title existing when the proclamation was made'. The Chair of the Upper South-East National Parks and Wildlife Consultative Committee has been verbally consulted concerning the alterations to the park, in particular, the land to be excluded. In consideration that the areas to be excluded have little conservation value, he has indicated that his committee has no objection.

This proposal has broad community support as it will provide formal recognition for what is an important state and regional location. In moving this motion, it is recognised that, when the parliament is prorogued, fresh notice will need to be given. However, in view of the fact that Monday is World Environment Day, we believe that it is important to place on the public record the government's intentions at this time.

QUESTION TIME

EMPLOYMENT REBATES

The Hon. M.D. RANN (Leader of the Opposition): Does the Minister for Employment and Youth agree with the state Treasury recommendation that payroll tax rebates for trainees should be abolished because 'Treasury and Finance is of the view that this form of financial incentive is no longer an effective employment tool'? If so, why has the government continued the scheme as an 80 per cent rebate while cutting severely other direct financial assistance and employment schemes? A draft minute to the Treasurer states:

> It is difficult to see how the payroll tax rebate is as effective as a direct financial incentive to target a specific age group of trainees or specific types of apprenticeships/traineeships.

The government in the recent budget made small changes to the payroll rebate scheme but cut by almost 60 per cent direct employment schemes such as the public sector traineeship scheme.

The Hon. M.K. BRINDAL (Minister for Employment and Training): I note particularly in the Leader of the Opposition's question that he was asking about something he described as a draft minute to the Treasurer. In the course of the budget discussions, the Premier has informed this House on many occasions that we get a variety of advice from many sources. It is then the job of cabinet to sit down, sift the advice we receive and make a determination. The determination which the cabinet made with respect to employment programs has my unqualified and unequivocal support. It is the best way forward for this state.

I know that there has been some criticism from some of the social welfare sectors and from members opposite who are locked into the thinking that is perhaps 10 or 20 years old. The traineeships worked. They were a great positive for this government, and they received about 70 per cent full-time take-up rate. But several members opposite who, month after month, whilst acknowledging where an improvement has been made, have been saying, 'You have to do more. What is it that you will change? How will you drive this process forward?'

The government decided in the context of this budget that it would take the emphasis away from buying jobs which required upskilling and, instead of buying a job in which upskilling was required, put that and additional money into the purchase of skills.

I invite every member to look at the *Advertiser* of two weeks ago where there was in fact an all-time high number of job advertisements. I invite any member to go to their electorate and ask business, small and large, if these record job numbers are being advertised, what is wrong. The answer invariably coming back to us through the employment council, the people to whom the Premier has spoken and every minister is, 'We have the jobs but we are finding difficulty in matching people with the right skills for the jobs.'

This government has quite rightly said that the time has come for us to take our part in the partnership and move forward. In a sense we have to change the levers in this state, and we are doing it. We are changing from buying jobs to making sure that we increase the skills base of our labour force.

Ms Stevens interjecting:

The Hon. M.K. BRINDAL: I just explained that. I do not want to have to go back over it. We have changed the levers. It is a right and proper decision.

In respect of the payroll tax, there were not minor changes, as the leader described them: there were major changes. What we did was say that, as of the day the budget was delivered, any future trainee had to be under 25 before they took up the traineeship. We have seen that we want to focus more on our youth. We have also reduced the level of rebate from, I think, 95 per cent or 98 per cent—it was in the 90s, but I am not quite sure of the figure now because I do not have a note in front of me—to 80 per cent; of that I am sure. We have cut the amount of rebate, tightened up the eligibility of the rebate and put more money into training. It is skills that the work force of South Australia needs. It is a lesson that has been learned in Ireland, Scotland and in every economy that is going forward, something about which the Premier has spoken to this House, not once but over months and months. The easy answer to the Leader of the Opposition's question is that I do not know whence he got his information but cabinet takes all its information and makes its decision, and the decision it has made in this case is not only right but also proper. I hope that in the months to come the House will acknowledge the success of what we have done.

SCHOOL CHARGES

Mr HAMILTON-SMITH (Waite): Can the Minister for Education and Children's Services explain to members the current arrangements for schools to collect a materials and services charge? This morning on radio, I heard the shadow minister for education give a rather confused account of these charges. Could the minister clarify the facts?

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): Once again, we are called upon to help the opposition with the facts. Only yesterday, I found myself in this House answering questions put by the shadow minister that clearly demonstrated that she—and the opposition for that matter—have little education of either education funding or responsible fiscal management. Again, on radio this morning the member for Taylor demonstrated to school communities and to parents listening in that she has no understanding of school fees whatsoever, or how they relate to the education budget. Let me spell it out clearly and simply so that the opposition can understand. Parents have always made a financial contribution towards their child's schooling. There is nothing new about this whatsoever. Even going back to the time to when the opposition was in government—and I know there were schools back then because I attended one—each month schools sent home a voluntary contribution card and parents would contribute a small amount. Members should remember, also, that our parents used to buy all the pencils, pens and exercise books for the children at their local school or whatever school they attended.

But the trouble with that system was that it was fairly expensive, with everyone buying items at full retail price. It was decided—and it made sense—that to lower the costs of buying these consumables through schools, bulk buying could be undertaken and be passed onto school communities. In the 1970s and 1980s we all know that there was a curriculum explosion and with the introduction of new subjects came some additional costs for consumables and for equipment. For ease of management for schools and parents, costs of consumables and incidentals were incorporated into one and became known as the 'school fee'.

In the late 1980s and early 1990s all but a few parents paid the fee, but parents' experiencing genuine hardship were, and still are, supported by the government's assistance scheme called, of course, School Card. During this time some tension grew in schools. The point was that parents who could afford to pay were choosing not to. In 1994 there was a clear ground swell from both principals and from school councils requesting an ability to get parents who could afford to pay to pay their fair share. This government responded by making these fees compulsory and able to be pursued by schools through the court system, as a last resort.

The member opposite also displays considerable confusion about how much schools can charge as a school fee. She needs to understand that the actual level of school fee is set by each school council, depending upon the materials and services it requires, but a legally enforceable limit is fixed within the material and service charge regulation. That has been done again this year, and the opposition well knows this, because each school's maximum enforceable charge is listed in the regulation.

An honourable member: What's the point?

The Hon. M.R. BUCKBY: The point is that parents do not have to pay any more than that maximum chargeable fee, which is $161 in respect of primary schools and $215 in respect of secondary schools—and they are in no way linked to the education budget. So, for this year, the maximum school fee has not increased but the budget has increased, in fact, by $47 million. There is no correlation here, despite the member for Taylor's statement on radio this morning that there was a correlation between school fees and the education budget. There is an increase in funding in this budget, and parents most certainly are not being required to contribute to Labor's alleged reduction. It is yet another example of the opposition's inability to understand even basic financial practice. I emphasise again that the children of this state and their future has always been our priority, and will remain so.

TRAINEESHIPS

Mr WRIGHT (Lee): Will the Minister for Employment and Training and Minister for Youth give a guarantee to the House that the additional $15 million announced in the budget for traineeships in the private sector will go into creating 5 500 new additional jobs and not replacing existing jobs with traineeships; and by how much will this new initiative reduce the youth unemployment rate? The opposition has been provided with a copy of a government minute to the Treasurer which claims that the new apprenticeships scheme has 'enabled employers to simply convert existing employees to trainees to access the financial incentives'. If the $15 million all goes, as the minister claims, into creating additional jobs for young people then, according to the minister's figures, we should expect to see a fall in the youth unemployment rate from 28 per cent to 4.8 per cent by this time next year.

The Hon. M.K. BRINDAL (Minister for Water Resources): The member raises an interesting question, and I refer him to my last answer, in which I said that we have changed the setting so that traineeships now are available to people under 25.

Mr Conlon interjecting:

The Hon. M.K. BRINDAL: For the member for Elder's benefit, let me repeat what I have heard the Premier say on countless occasions. We receive a lot of advice from many sources, and that advice is presented to the cabinet. This

parliament relies on the executive government, the cabinet, making decisions. The member might be right in the context of that particular document, which I have not seen; I would not have a clue. But we make the decisions, and the decision is that this year we will provide up to 5 550 opportunities. So, we have moved from 1 200 traineeships, we retain 500 to 700 traineeships (the final figure is yet to be worked out) and we have provided up to 5 550 additional opportunities. This does not relate to Minister Armitage's portfolio, in which specific money is targeted for IT opportunity training; nor the Deputy Premier's portfolio, in which I recall additional money is targeted specifically for the aquaculture industry. So, we have targeted opportunities to create employment throughout industry sectors. Certainly, in the area of industry and trade the Premier, I think last week, spoke about a scheme to create employment opportunities as part of the economic growth of this state.

I am aware of the type of problem that has been raised. The matter is being discussed. I have spoken to Minister Abbott about some aspects of using existing law for inappropriate traineeships, and we are looking at that matter.

With respect to the crystal ball gazing, I have never stood in this place and promised a target. I have repeatedly said that there is one target, and that is that every South Australian who wants a job should have the opportunity to access a job. That is the only target on which this government is focused, and we will continue to focus on that target, and that target alone.

WORLD ENVIRONMENT DAY

The Hon. D.C. WOTTON (Heysen): Recognising that the eyes of the global environment movement will be on Adelaide next week for the United Nations World Environment Day, will the Minister for Environment and Heritage update the House on celebrations taking place in Adelaide and throughout South Australia?

The Hon. I.F. EVANS (Minister for Environment and Heritage): I thank the member for Heysen for his question, given his strong interest in the environment. South Australians should be very proud of the fact that Adelaide, and South Australia in general, is hosting World Environment Day for the first time in Australia and the Pacific area. We should be very proud of the fact that it is the quality of our environment that has brought this event to Adelaide and South Australia, especially when we consider the Bookmark Biosphere Trust, the Naracoorte caves, the marine parks, and the quality of our air and coastal waters.

However, it is not only the quality of the environment that has brought this event to South Australia but it is also the great contribution by volunteers and the environmental community groups in general—for example, the Friends of the Parks, the Threatened Species Network and the Conservation Council. It is that community effort that helped win the event for Adelaide because it was recognised that Adelaide and South Australia have something special in the environment that we enjoy and in the way in which the community links in to improving and developing that environment.

Monday 5 June is World Environment Day, and we will be hosting a series of events right across the state. There will be something for everyone. Even though the major events include the international awards and the Prime Minister's awards, which will no doubt go to a select, important group of individuals and environmental projects, we have tried to design a program in which there is maximum participation by community groups and suburbs right throughout metropolitan and regional South Australia.

One such event is the parade in which 6 000 schoolchildren from 60 schools in the state will participate, and I know that the Minister for Education will be pleased about that. They will parade from Victoria Square to Elder Park, demonstrating some of the programs. The theme is 'Time to act', which is a water theme, and the schools have been making colourful banners, so there will be a colourful and public display of some of the feelings that kids have towards the environment through the kids' congress as the parade goes from Victoria Square down King William Street into Elder Park.

Members may also be interested to know that this Sunday the Glenelg tramline is subject to a special clean-up, and a specially marked tram will leave the city at 10 a.m. Volunteers can catch the tram for nothing by showing a bucket and a shovel, and there will be supervisors at stops 14, 17 and 18, and they will guide the volunteers to various clean-up areas or planting and weeding areas along the tramline.

On another theme, many of us, for whatever reason, have hazardous waste collected in our shed and we never get to clean it out, so the Environment Protection Authority will open the hazardous household waste depot at Dry Creek this Sunday between 9 a.m. and 3 p.m. The important thing is that it costs nothing to dispose of such hazardous waste and, given the focus on World Environment Day, it might be an ideal opportunity on the weekend to clean out the shed, see what is in there and dispose of any hazardous waste properly.

Those who have an interest in air quality (and all of us in politics have such an interest) may want to visit the 'hot spot' air-monitoring caravan in Rundle Mall because it will display some real-time measurement of Adelaide's air quality and compare it to that of other cities. It will be displayed on a large TV screen. That will get the message across to South Australians how lucky we are to have such quality air in South Australia. It will also show some of the methods that are used in the monitoring of air quality.

Local councils have been very supportive in relation to their involvement, and the member for Heysen will be pleased to know that the Adelaide Hills Council is running a bus tour on Monday to inspect some of its innovative and new environmental projects, as is the Mount Barker Council. I know that the Premier will be pleased that it is involved.

We have involved the youth through having the Australian Youth Parliament for the Environment also meeting in Adelaide. They will be looking at planning strategies for the environmental future, including things such as debating the greenhouse effect, offsetting emissions from cars and sustainable consumption. The youth parliament will be opened by Senator Robert Hill and will go over a number of days. There will be a wide range of events. Although the member for Adelaide is not present, I know that he has expressed to me his support for the planting of 2 000 trees. About 200 students will take part in a planting at Walkerville in an Olympic Landcare project, and that will certainly be of great benefit to that area.

South Australia's Trees for Life volunteers will plant their 20 millionth native tree, which is a significant contribution to the environment in South Australia: 20 million trees is a great result for that organisation and the Premier will certainly be taking part in that ceremony over the weekend. The business community is also involved through a number of business events, in particular a business breakfast. It is important that the business community is involved because

they play a very strong role in the environment not only in the way in which they operate their businesses but the way in which they educate their work force. I am sure members opposite will take part in the World Environment Day activities over the next five or six days. Certainly, we are absolutely delighted as a state to be hosting it.

HEALTHSCOPE

Ms STEVENS (Elizabeth): My question is directed to the Minister for Human Services. Why has the government agreed to a further five year deferral of Healthscope's contractual obligation to build a new private hospital at Modbury; and what are the conditions of this latest back down by the government? In February 1995, the government claimed that a major benefit from privatising the Modbury Hospital would be the construction of a new $14.5 million, 65-bed private hospital to be operating within two years. After renegotiating the Healthscope contract in 1997, the minister announced on 28 April 1999 that the government had committed $8.6 million to pave the way for a new $12.7 million private hospital at the Modbury complex.

Four months later, in August 1999, the Public Works Committee was told that, while Healthscope had sought a five year deferral, the government had only agreed to a conditional deferral for one year. While government funded work is now proceeding, the Public Works Committee has been told that the government has again changed its position and agreed to the five year deferral sought by Healthscope.

The Hon. DEAN BROWN (Minister for Human Services): I do not know who gave evidence to the Public Works Standing Committee but they are wrong: it is as simple as that. The cabinet has not and I have not as minister agreed to a five year deferral. Therefore, I will certainly seek who presented the evidence to the Public Works Standing Committee, but I can assure the honourable member that no such guarantee has been given.

MURRAY RIVER

Mr MEIER (Goyder): Will the Minister for Water Resources provide an update to this House on what the government is doing to help ensure the future of the Murray River? All members would be aware of the large amount of material that has been written and said in the last few years and particularly in the last few months about the Murray River and the potential problems facing the Murray River. What members would not have heard so much about is the almost total reliance that electorates such as Goyder, which includes Yorke Peninsula, as well as so many other rural electorates have on the Murray water.

The Hon. M.K. BRINDAL (Minister for Water Resources): I thank the member for Goyder for his question and indeed for the interest and support which he and all members of this House share in the future of the Murray River. I note that it is also shared by the opposition.

In some quarters it has been said of late that we are not doing enough to save the Murray. I put to this House that it does not matter in this issue how much we do or how great the level of expertise we apply. As the Premier has clearly said, this is a solution that will possibly be 20 years in the making and therefore, in the long-term strategy on which we are embarking, there will always be those who say that we are not doing enough or that we are not going quickly enough. However, if those critics are fair, they should also be equally, and more, criticising the governments of New South Wales, Victoria and Queensland which are doing much less than we are.

If the members opposite are genuine, as I am sure they are, in supporting the cause of the river and of South Australia, I plead with them to use their influence with those other governments that are not Liberal governments to ensure that the neighbouring states, the Labor states, are at least bearing their share of the burden, and at present they are clearly not doing so.

Mr Clarke interjecting:

The SPEAKER: Order! The member for Ross Smith will contain himself.

The Hon. M.K. BRINDAL: It is left to the Premier of this state—

Mr Foley interjecting:

The SPEAKER: The member for Hart should also contain himself.

The Hon. M.K. BRINDAL: —allied, luckily, with the federal minister to try to drag those other states along, and this is an area where, in a bipartisan manner, the opposition could help. However, the government is doing much to remediate and address the issues confronting what is this nation's greatest water asset. South Australia already contributes 24 per cent of the cost of the operation of the Murray River, Lower Darling and major storage areas operated by the Murray-Darling Commission.

In the coming year I will point out to the House that that amounts to $8.34 million to this facet of Murray River water, which is an 18.4 per cent increase on our contribution last year—an 18.4 per cent increase. South Australia is also a key to the Murray-Darling Basin's sustainability program. In the coming year we will contribute $5.1 million to this program, and that matches current commonwealth funding. That is an 11 per cent increase on what we have been putting in compared to this financial year. As a state, we are paying more on a per capita basis, compared to the amount of water we take out of the river, than any other state supporting this program.

I ask all members of this House, including the member for Hart, if he is interested (but he is on the Le Fevre Peninsula so he probably is not), to take note that this state takes 5 per cent of the water from the Murray River Basin but, as equal partners, we pay the same money as New South Wales, Queensland and Victoria, which actually garnish 95 per cent of the water. It is hardly a fair or a user-pays system: we pay 25 per cent of the cost for 5 per cent of what comes out of the river.

Also, the government, through the Treasury and the River Murray Catchment Water Management Board this coming year, will contribute $3.8 million to the Murray-Darling program, better known as the National Heritage Trust program. This money—

Members interjecting:

The SPEAKER: Order! Would the member for Elder resume his seat, please.

The Hon. M.K. BRINDAL: —will be matched dollar for dollar by the commonwealth, so that is doubly good for the river. Besides the money that the South Australian government is contributing to the Murray River salinity audit, the government is also conducting its own salinity strategy. I will be presenting this strategy to cabinet in the near future and, with its support, a public document will be released for comment later this year. The salinity strategy is based on a

number of principles which, owing to the short attention span of the opposition, I will not elucidate to the House at present.

I conclude by saying that last week I was very privileged to present a $15 000 cheque to the Murraylands Regional Development Board.

Mr Conlon interjecting:

The Hon. M.K. BRINDAL: The member for Elder is, if nothing else, an ignorant and rude member of this parliament.

Mr Conlon interjecting:

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

The Hon. M.K. BRINDAL: The member for Elder, if he is not interested in a matter that concerns the rest of this state, would do best to keep his mouth closed.

Mr Conlon interjecting:

The SPEAKER: Order! I call the member for Elder to order.

The Hon. M.K. BRINDAL: The cheque presented to the board last week for $15 000 was to develop a new course called 'irrigation technician'. With our educational institutions, and with private industry, in line with the Premier's commitment to go forward in this state, we are aiming to create a sustainable industry—an industry that is world class and that not only protects our river but also develops the future of both the economy and natural resources of this state. I am proud of that. The opposition might not want to hear it, but I am sure the rest of South Australia does.

GOVERNMENT ADVERTISING

Ms THOMPSON (Reynell): Will the Deputy Premier detail to the House the cost of the two minute long government television advertisement screened on the commercial networks on Sunday and Monday nights? Industry sources have informed the opposition that the cost of screening two minute adds at the time they went to air on prime time television, plus the costs of production, and so on, could have cost taxpayers up to $100 000.

The Hon. R.G. KERIN (Deputy Premier): I will take the question on notice and bring back the detail.

NATIVE FOOD

The Hon. R.B. SUCH (Fisher): I ask this question really on behalf of the member for Hammond.

Members interjecting:

The Hon. R.B. SUCH: I issue a disclaimer: any resemblance between the member for Hammond and me is purely coincidental, and no correspondence will be entered into. Will the Minister for Primary Industries and Resources outline the strategies being pursued by the state government to develop our native food industry?

The Hon. R.G. KERIN (Deputy Premier): I was quite looking forward to what the member for Hammond could actually do with this question! However, I will have to settle for the script. Over the past couple of years, the native food industry has attracted quite a bit of interest. Traditionally, it has been a small industry but one which has been identified as having major potential for both South Australia and Australia. Recently, we put in a joint project between primary industries and the Australian native product industry at Murtho, which is an excellent opportunity to promote this both as an economic industry and also as an environmentally friendly industry.

Recently, we appointed an industry development officer, who has ensured that there is continuing interest and growth in this industry, with a key role to develop and improve the supply chain for native foods. This will be achieved through providing a range of information products and delivering training programs. The first workshop was held on 25 and 26 March and it looked at the production of quandongs, and further workshops are planned at six week intervals.

Members would be surprised at just how many people around South Australia are involved in this industry. It has been an integral part of Australian cuisine, and native produce offers some excellent opportunities in niche markets not only as bush food but also as mainstream foods and beverages.

A major role for the industry development officer is to try to build some critical mass within the industry so that we can ensure supply to fill the orders that come in. It is anticipated that the industry will reach $100 million nationally within a few years, and we are in a good position to capture more than our share of that. The industry has a large processing and value adding component and, being that way, it offers the opportunity for a lot of value add.

Andrew Beal, who is the Managing Director of Australian Native Produce Industries, has indicated that some very strong signals are coming from export markets which confirm that Australian native foods are poised to make an important contribution. I know that recently on a trade delegation to Singapore I was pleasantly surprised to see whole stands dedicated to Australian herbs and spices of native content. Of course the Olympics also offers a real opportunity.

The native food industry consultant we have put on has been appointed with the responsibility for developing and preparing a range of technical and industry publications, developing a web site to service industry, running the workshops, training sessions and field days, servicing industry inquiries and liaising with a wide range of native food groups and other stakeholders operating in South Australia. That has been done largely in response to a number of requests from people who had a stake in this industry. The joint commitment is fundamentally important to a rapid growth of what is a new agricultural industry. We look forward to it making an important contribution.

With respect to the food industry, yesterday we heard of the major commitment by the Chiquita group with the purchase of Angas Park and the Kangara brands. Chiquita really does bring a major player into the field in South Australia. Some people would bemoan the change of ownership of those two companies, but Chiquita is a major player. It will open up increased access for us into many international markets. It has a real agenda to grow those companies and to grow their contribution from the food industry within South Australia, and we certainly welcome that level of investment.

ADELAIDE HILLS DEVELOPMENT

Mr HILL (Kaurna): My question is directed to the Minister for the Environment. Following a decision by the Environment, Resources and Development Court, will the minister introduce legislation to protect the Adelaide Hills from the development of olive groves and viticulture, or fund an appeal to the Supreme Court against the findings by Judge Trenorden to grant retrospective approval for a grove of 300 olives planted in 1998?

Earlier this month the Mitcham council ordered the removal of 300 olives and 600 grapevines at Horsell Road,

Belair. Mitcham council had refused retrospective approval for these developments, and the council's planning and development director David Altman said, 'We are worried about the implications this could have on the hills face zone.' In addition, winemaker Andrew Garrett says he will now proceed with plans for a 49 hectare vineyard in the hills. Previously Mitcham council blocked the vineyard because it did not comply with the hills face zone rules.

The Hon. I.F. EVANS (Minister for Environment and Heritage): As luck would have it, I have a meeting tonight with the Mitcham council about this very issue. When the Environment, Resources and Development Court came to that conclusion, immediately the new mayor of Mitcham, Ivan Brooks, was on the phone seeking a meeting to discuss it. The government will not be knee-jerking to the decision until we have met with Mitcham council and talked through all the issues.

The hills face zone is an issue not only for the Mitcham council but also for a number of other councils. We would also need to have some discussions with those. We are certainly aware of the issues raised. Mitcham council is concerned. I know that the members for Waite, Heysen and others with the hills face zone in their district are aware of the issue and the importance of the hills face. We are pleased that Mitcham council is coming to the table to talk through the issues and to discuss the options. Until we have those discussions and get the exact details on their concerns, we will not be taking the matter any further.

RURAL COMMUNITIES

Mrs PENFOLD (Flinders): Can the Minister for Local Government outline to the House what is being done by this government with the assistance of local government to meet the special needs of rural, regional and remote communities?

The Hon. D.C. KOTZ (Minister for Local Government): I certainly thank the member for her question and acknowledge her continuing representation in her own area of the state and the work that she has continued to do with respect to economic development throughout that region. This question obviously recognises the important role of local government in working with and representing communities throughout the state.

One of the most important features of the government's approach to rural and regional issues has been the extent to which all programs actually recognise the differences between communities and are adaptive in these cases to their specific needs. This is a partnership approach which also characterises our relationship with local government. In working with rural, regional and remote communities, the government is particularly mindful of the need not to impose predetermined solutions which have a city bias.

If we are to be partners, it certainly is essential that the solutions come from local communities and are, therefore, supported by local people. I believe that local government is, indeed, an essential partner with the state in achieving sustainable development which will provide benefits such as new and improved services, increased employment opportunities, and an improved standard of living for the local communities in South Australia as a whole.

This view has been strengthened by my visits to councils throughout the state. Over the past few months I have visited some 19 councils in South Australia and this has furthered my understanding of the very unique needs of local government and the challenges that face individual councils. Many of our rural, regional and remote communities face quite distinct issues due to the considerable distance between individual and often quite small communities and the major regional centres, let alone the metropolitan area.

Earlier this month I was able to gain a direct insight into the extremities of the impact of these distances. Over three days, I was privileged to visit four of the state's remote communities, namely, Ernabella in the Anangu Pitjantjatjara lands, Nepabunna, Coober Pedy and Roxby Downs. This visit emphasised for me the importance, and certainly the validity, of government's approach in recognising the unique characteristics of communities within the framework of their common issue of distance.

Each of these communities—and I am sure the House is aware of this—is eligible for funding under the commonwealth Local Government (Financial Assistance) Act 1995. Recommendations on the distribution of these funds under the act are made to me by the South Australian Local Government Grants Commission, and I was accompanied on these visits by the South Australian Grants Commission.

Visits of this nature are essential to ensure that the commissioners gain an understanding of the individual circumstances and the needs of local government, particularly in the remote areas of our state. The grants commission has a statutory requirement to visit each of the councils of the state that receive funds, and that requirement states that they must visit these councils every three years. The visit was particularly relevant in the light of my request to the commission that it consider the isolation of these and other remote communities and the additional expenditure that they incur as a result of their isolation. I believe that this consideration needs to be encompassed in the commission's assessment for the allocation of the 2000-01 local government financial assistance grants in South Australia.

The government obviously remains very committed to furthering strategic partnerships with local government, and I certainly look forward to working with local governments to achieve more efficient service delivery to all our communities, with a special emphasis on rural, regional and remote areas of the state, recognising the very specific needs of these areas.

REDEPLOYEES

Mrs GERAGHTY (Torrens): Can the Deputy Premier explain why the government is using electrical labour hire contractors (who are being paid taxpayers' money) to provide maintenance and other services to government departments rather than redeployees from the privatisation of the train and bus maintenance services who are qualified to do this work; and what is the extra cost of using these labour hire contractors rather than redeployees who are already being paid by the government? I have been advised that qualified people on redeployment following the transport privatisation are being overlooked for maintenance work in favour of private labour hire firms. For example, Transport SA is using a labour hire firm to work on traffic lights when the redeployees could be doing this work. I am also advised there are repeated irregularities in payments to redeployees and other issues that lead many redeployees to believe that they are being pressured into accepting separation packages.

The Hon. R.G. KERIN (Deputy Premier): I thank the member for her question and the detail that she has provided. I will certainly follow up that matter and bring back an answer.

WORLD ENVIRONMENT DAY

Mr SCALZI (Hartley): Thank you, Mr Speaker—

Members interjecting:

Mr SCALZI: I might be going back to school, but not here—

The SPEAKER: Order! Does the member have a question?

Mr SCALZI: Can the Minister for Education and Children's Services outline for the House the activities that school communities are undertaking in the lead-up to World Environment Day on Monday 5 June?

The Hon. M.R. BUCKBY (Minister for Education and Children's Services): It is certainly a great honour for South Australia to be selected by the United Nations environment program as the international host city of World Environment Day 2000. It is the first time that this celebration, which is recognised annually on 5 June, will be held in the Pacific region. For South Australian students, the celebration on their doorstep is an unparalleled opportunity to highlight their environmental achievements in an international audience.

South Australian school communities have a right to feel very proud of the environmental education opportunities they provide for students in this state. Our students are taking full advantage of those opportunities, and their commitment towards preserving the environment has earned them both state and national recognition.

Let me give the House a few examples. The Geranium Primary School in the Murray-Mallee won a KESAB award for its recycling and revegetation programs, which complemented a community initiative to beautify the town. Dozens of schools are joining the fight to save our waterways, and they include McLaren Vale, Mypolonga, Stradbroke, Salisbury North and Uraidla schools, which recently won Water Watch awards for their clean-up and monitoring activity along local waterways. Cowell area and Salt Creek Primary Schools were joint winners of a state-wide Landcare mural competition.

World Environment Day has given thousands of other students a renewed focus on the environment by encouraging them to participate in parades, essay writing, poster and banner making activities, tree planting, recycling and clean-up campaigns. For example, at Reynella East and Thorndon Park Primary Schools, students are planting and growing children's forests, and at Para Hills West Primary School students are cultivating a Japanese garden.

Urrbrae Agricultural High School students have mapped and assessed a section of the Urrbrae wetland and set up a public waste management display. Mount Pleasant Primary School students will sow native grasses in the Mount Pleasant pound; Clare Primary School students have planted a vegetable garden; and Coromandel Valley students are taking care of their worm farm.

Our students have also participated in a videotaped environmental debate with students in Christchurch, New Zealand (which is, of course, a sister city to Adelaide), and many others have sold stickers and badges.

These environmental awareness programs benefit both students and the wider community and empower our young people to take an active role in contributing to the world's knowledge about the environment. They also have the opportunity to become ambassadors for the environment by passing on what they have learnt not only to their school communities and their communities as a whole, but also to their parents and others in other communities. By encouraging our students to take an interest in the environment in their school years, we are ensuring the environmental future of this state for future generations.

RENT RELIEF PROGRAM

Ms WHITE (Taylor): What action will the Minister for Human Services take to ensure that the government's abolition of the rent relief program in this year's budget does not disadvantage students currently receiving the benefit and discourage them from seeking work during semester breaks? The budget has cut off the rent relief scheme to new entrants. If students currently receiving the benefit find work over a semester break, they no longer qualify for rent relief, but the problem now is that they cannot return to the scheme when they cease working. The students appear to have to make a choice between doing a few weeks' work to earn a little, much-needed money or losing rent relief for good.

The Hon. DEAN BROWN (Minister for Human Services): As a result of discussions that took place with departmental officers yesterday, this particular circumstance has arisen and we have agreed to look at it. If there is an anomaly, we will look at how we can overcome it, and there are ways in which that can be overcome.

MENTAL HEALTH SERVICES AND FOSTER CARERS

Mr CONDOUS (Colton): Will the Minister for Human Services advise the House how the budget recognises the increasing demands on mental health services and foster carers?

The Hon. DEAN BROWN (Minister for Human Services): In the budget an additional $2.5 million has been allocated to mental health services. This extra money will be used to provide additional community services, particularly by way of supported accommodation. We have identified that one of the big problems in moving mental health from the institutions out into the broader community has been the lack of supported accommodation within the community, particularly a range of different types of supported accommodation. That would encourage people with mental illness to move from acute care within a hospital into a high level of supported accommodation to start with and then, hopefully, progressing down to lower levels of support and ultimately back into the community.

Equally, we believe that if we are able to provide more supported accommodation in the community, quite a number of cases would not be referred to acute care services within a hospital such as Glenside, because those people could be treated within that supported accommodation. The extra $2.5 million will largely go towards, not solely—

The SPEAKER: Order! I ask the member for Hart to sit down or move back to his own place. This practice of moving around the chamber, carrying on conversations over the front bench during question time is distracting.

The Hon. DEAN BROWN: This extra $2.5 million will be used particularly to provide that range of supported accommodation in the community. It will not only be in the metropolitan area because we are also looking at trying to establish supported accommodation within country areas, probably not at the highest level but certainly at the medium and lower levels of support. We believe that, as part of the redirection of mental health services, we need to make sure that there is greater support in country areas.

The Social Development Committee recently held hearings around the state looking at rural health issues, and mental health emerged as the biggest single issue in country areas. We are trying to address that by supplying some of the supported accommodation in country areas, together with a limited role for beds for people with mental illness in country areas. We are trialling that in one country hospital already and we believe that, under that system, instead of people with a mental illness having to be transported to Adelaide, using police services in most cases, we will be able to treat a much larger number of people with mental illness in their own community, and do so on a fairly effective basis.

That poses some big challenges. First, there are not the psychiatrists in many country areas, which is not unique to South Australia because it is a problem throughout the whole of Australia. In addition, country areas invariably do not have trained mental health workers, so we will have to train a lot more country nurses in mental health care. These problems are also being looked at, but it is not an easy task. It is not something that can be introduced overnight. However, we are considering providing supported accommodation in country areas.

We are also looking to improve the telepsychiatry services that are in place in some country hospitals. At present, 18 country hospitals provide that service and we are seeing whether that can be more widely distributed and, at the same time, whether greater powers might be allocated. At present, of course, a person cannot be committed to a secure facility without having a psychiatrist present. One possibility is that we might be able to do this using telepsychiatry.

The other area is that of foster carers. Foster carers provide a very valuable service. They are people invariably who are volunteers and who offer to take wards of the state, children who are under the guardianship of the minister, and to look after those children like parents. It is a tremendous challenge because these children invariably have been left with nothing in life. For some reason, their parents do not wish to look after them or are unable to look after them, and therefore they are left to the state government to pick up the responsibility. How do you take people such as that and put them into what could be best described as a home environment? It is the foster carers who do that very effectively indeed.

Apart from a small increase granted to them prior to last Christmas, they have not had an increase for a number of years in the payments they receive as foster carers. We are proposing to increase the payment by 12 per cent, which effectively will index them right through until next year for the period for which they have not received an increase—and I know that there is tremendous support from the foster carers for that initiative. The government is very aware of the needs of particular groups within the community such as those with mental health problems and those who are foster carers, and this budget does provide additional money to cope with those problems.

CHELTENHAM RACECOURSE

Mr De LAINE (Price): Will the Minister for Recreation, Sport and Racing enter into discussions with the South Australian Jockey Club to ensure that the Cheltenham racecourse is not sold? After the fiasco of having to postpone this year's Adelaide Cup at Morphettville racecourse due to an unsafe track because of wet weather, it would seem imperative that Cheltenham—the only all-weather track and with excellent facilities—should be retained for racing in South Australia.

The Hon. I.F. EVANS (Minister for Recreation, Sport and Racing): The best people to decide whether or not Cheltenham should be sold is the South Australian Jockey Club. They own it and, at the end day, it will be a matter for the SAJC. Just as—

Members interjecting:

The SPEAKER: Order!

The Hon. I.F. EVANS: The SAJC owns it, and what it does with Cheltenham racecourse will be the SAJC's decision at some stage in the future.

GREAT ARTESIAN BASIN

Mr VENNING (Schubert): Will the Minister for Water Resources tell the House what the government is doing to minimise the wastage of artesian water in the Great Artesian Basin?

The Hon. M.K. BRINDAL (Minister for Water Resources): South Australia will become the first state to complete the rehabilitation of the Great Artesian Basin wells under a state budget initiative aimed at reducing waste water from the vast underground water reserves. The government has allocated $900 000 over the next three years to repair the outback wells and to replace open bore drains with proper water distribution systems. Currently, there are 290 artesian wells in our part of the Great Artesian Basin, if we exclude Moomba. So far 220 of those wells have been rehabilitated, leaving only 37 requiring rehabilitation. It is estimated that, in the rehabilitation of these 220 wells, 38 325 megalitres of water a year has been saved.

The commonwealth has announced that it will provide $2 million under a five-year Great Artesian Basin sustainability initiative. Shortly I will meet with federal minister Warren Truss, Minister for Agriculture, Fisheries and Forestry, to sign a partnership agreement for the five- year program. It is my understanding that the state will be providing matching funds and where land-holders' contributions are required they may be in the form of both cash or in kind contribution. The initiative will eliminate the wasteful distribution of bore water through open channels. The initiative will also help replace the bore drains with reticulated stock watering systems, providing further reductions in the savings from the Great Artesian Basin.

This important initiative follows on from this government's announcement last month that it would rehabilitate (or plug) about 120 artesian wells in the South-East of our state, further enhancing our credibility as a state that cares about its greatest resource, its water.

EMERGENCY HOUSING

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

Leave granted.

The Hon. DEAN BROWN: Last week, the member for Reynell asked me a question without notice about what progress had been made in increasing the supply of emergency houses in the southern suburbs. I am aware of the increasing pressure on housing resources in the southern metropoli-

tan area and, in particular, the need for emergency accommodation. In the last 12 months the Housing Trust has provided 11 additional properties for community organisations assisting homeless people in the southern area. This brings to 89 the number of properties the trust currently leases to these organisations and, of these 89 properties, 82 are allocated to the Supported Accommodation Assistance Program (SAAP) funded services: 49 of the properties are for young people; 16 are for families; 16 are for women fleeing domestic violence; and two are for single adults.

The need for emergency accommodation is not confined to one specific target group and it requires a flexible response with the capacity to meet a range of housing needs such as for young people, families and people with disabilities. I am pleased to inform the House that the City of Onkaparinga, on behalf of the Southern Social Planning Alliance (SSPA), received a grant from the Crisis Accommodation Program (CAP) to undertake an emergency housing project. The Housing Round Table is assessing the emergency housing needs in the City of Onkaparinga. Community representatives and local agency staff have been invited to a forum on emergency housing on 9 June (9 a.m. to 12.30 p.m.) at the Agean Village Complex, Morton Road, Christie Downs, and their advice will be sought on strategies and models to address emergency accommodation needs in the south.

The Housing Round Table is undertaking an audit, including site visits, of accommodation facilities currently available which, with some appropriate upgrade, could provide emergency accommodation. The project is expected to be completed by the end of August of this year. The Housing Round Table will present the consultant's report to the minister.

MODBURY HOSPITAL

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

Leave granted.

The Hon. DEAN BROWN: During question time today the member for Elizabeth asked a question about deferral of building at Modbury Hospital. I have now received a copy of a paper, I think tabled at the Public Works Standing Committee meeting yesterday. It is headed 'Public Works Committee quarterly briefing statewide' and states that there is an agreed five-year deferral of the Healthscope works to levels five and six. That statement, which was submitted to the Public Works Standing Committee, is incorrect: there has been no agreement to the deferral of levels five and six. In my reply to the House on that matter I indicated my surprise and said:

> I do not know who gave evidence to the Public Works Standing Committee but they are wrong: it is as simple as that.

There has been no—

Ms Stevens interjecting:

The Hon. DEAN BROWN: I note that it is a letter from the Department of Human Services. Some months ago cabinet put down a negotiating position which included a possibility of a deferral for five years subject to a series of conditions. Healthscope has not yet accepted those conditions, and so there has been no agreed position between the state government and Healthscope for the deferral of the capital works program at Modbury Hospital. I understand that those matters are still subject to ongoing negotiations, but I want to assure the honourable member that there has been no agreement between the two parties.

WINGFIELD WASTE DEPOT

The Hon. I.F. EVANS (Minister for Environment and Heritage): I seek leave to make a ministerial statement.

Leave granted.

The Hon. I.F. EVANS: On 1 April 1999 the parliament of South Australia assented to the Wingfield Waste Depot Closure Act. This act was subsequently proclaimed by the Governor of South Australia on 6 May 1999. The act required the Corporation of the City of Adelaide, the operator of the Wingfield waste depot, to prepare a landfill environmental management plan to enable the orderly closure of the Wingfield waste depot.

The consultation process, including two public meetings, was instigated by the Environment Protection Authority between late December 1999 and April 2000 to enable interested persons to attend and to provide comments on the landfill environmental management plan. Written submissions were received at the completion of the consultation process.

The Corporation of the City of Adelaide provided its response to the submissions and amended the landfill environmental management plan prior to submission to the Environment Protection Authority. On 28 April the Environment Protection Authority recommended that I adopt the landfill environmental management plan. I am advised that the plan provides the basis for management and mitigation of potential environmental impacts during the operation, closure and post-closure periods of the landfill.

I have been advised that the Environment Protection Authority will be incorporating the landfill environmental management plan into a new licence for the Wingfield waste depot. The orderly closure of the Wingfield waste depot will ensure the progressive establishment and development of the new waste depots that will be able to service metropolitan Adelaide's waste needs into the future.

On 5 May 2000 I adopted the landfill environmental management plan for the Wingfield depot. Today, I table my report, providing details of the reasons for adopting the landfill environmental management plan.

GRIEVANCE DEBATE

The Hon. M.D. RANN (Leader of the Opposition): Both personally and on behalf of all members of the South Australian opposition and the ALP, I pass on our deepest sympathies to all of those affected by last evening's air crash. I particularly want to pass on the condolences of the member for Giles (Lyn Breuer), who is not here today. Of course, Lyn both lives in and represents Whyalla. She was actually flying in an aircraft last night and heard over the radio the events that took place.

This tragedy, perhaps the worst air disaster in our state's history, has touched a great many families and communities across the state, as well as interstate, and our prayers and hopes are with them all.

Our condolences go to all the families who have loved ones lost or missing in this disaster. I also want to join the Deputy Premier in passing on all our thanks to those involved in the search for survivors, including those volunteers who have worked selflessly throughout today and, of course, throughout last night.

Our thoughts are also with the people of Whyalla, as this tight-knit community, which has been through so much in

recent years, mourns the loss of friends and loved ones and comes to grips with this tragedy.

Mr HAMILTON-SMITH (Waite): I also want to speak about the tragic air crash that occurred last evening. I believe that once the full investigation has completed its course a couple of issues will stand out as matters that perhaps need to be looked at to prevent such a tragedy recurring.

My condolences also go to all those who have suffered as a consequence of the tragic loss and to the people of Whyalla. One of the tragic aspects about an air crash over water is that the struggle to survive begins once you get out of the aircraft wreckage, if you are indeed fortunate enough to be able to do so.

As someone who has been in three air crashes, two from which I walked away and one from which I did not, I want to tell the story of the crash from which I did not walk away, because I think that the lessons that were learned as a consequence of that accident, if the newspaper reports are accurate, are very much the same lessons that are still to be learned.

In August 1978, I was one of nine people aboard a UH18 Iroquois aircraft flying over the sea between Perth and Rottnest Island, when the aircraft had a major engine failure and crashed out of the sky. It is not a very pleasant feeling to be in an aircraft when the engine fails—when the alarm bells ring, when the lights start to flash and when a feeling of panic takes over both the crew and the passengers and you know from the sinking of the aircraft that you are definitely going to crash. It is a very uncomfortable feeling.

Five of us were able to bale out of that aircraft; two made it to the shore and three of us landed in the water. We exited the aircraft at about 7 500 feet. I recall, under canopy, watching the aircraft (which later crashed on the beach) and feeling quite thankful that I was not still in it, but also realising that I now had the problem of how I was to survive over the ocean.

I landed in the water, of course, and immediately the problem became entanglement in the parachute. About a 15 minute battle ensued as I became progressively more and more entangled in the suspension lines. I eventually found that my right arm, right leg, left leg and other parts of my body were strapped together by the suspension lines and I could not swim.

I want to make the point that we were not equipped with life jackets. If one lesson flows from the accident that I had it is that you should not be flying over water without life jackets, and I believe that partly relates to the regulatory regime within which our airlines operate, and I will return to that point later.

An aircraft came to rescue me, and it was equipped with a winch. It tried to winch me, but I was so entangled in the parachute that I could not be successfully winched out of the water. Three subsequent attempts to winch me were unsuccessful. On the third attempt, I managed to get onto the skids and they tried, unsuccessfully, to cut the suspension lines. After the third attempt I was completely exhausted. I could not move a muscle and I waved the aircraft off, whereupon the parachute sank and started to drag me under the water.

It was quite apparent that I was going under when one of the crewmen from the RAAF rescue aircraft—a crewman to whom I probably owe my life—leapt into the water with an inflated life vest, swam to me and held on to me long enough for a passing fishing boat to pick me up. I was unconscious at that time. There then ensued a struggle for about 20 minutes on board the boat to try to keep me alive.

I do not remember much after having been hauled out of the boat because I was floating between life and death, until I woke up on a ventilator in Fremantle Hospital some hours later after they had been successful in keeping me alive.

The two other people who landed in water were rescued and were not in as bad shape as I was. In the wash-up from that accident one of the key lessons was that life jackets must be provided if you are flying over water. Another lesson was that rescue aircraft must have winches, night spotlights and an ability to rescue people over sea in day and night.

I think that some of the same messages are coming through the newspaper reports that I have seen. I hope that, once the full investigation has been completed, we are able to take action to ensure that aircraft do not fly without life jackets for the protection of the citizens of this state. I also thank all the rescue operators and emergency services who have moved to react to this emergency.

Ms STEVENS (Elizabeth): First, I would like to make a brief comment in relation to the matters I raised in question time concerning Modbury Hospital. I appreciate the minister's clarification and ministerial statement at the end of question time. However, I would like to mention one further matter: in the Public Works Committee's quarterly briefing that was presented to the committee, the minister's own Director of Asset Services, Peter Jackson, said:

> Cabinet approval and the Public Works Committee report has been received. It is envisaged that the planned levels 5 and 6 works within the $8.6 million approved funding will be utilised to provide amendments to the emergency department given the agreed five year deferral of the Healthscope works to levels 5 and 6.

That relates, of course, to the private hospital development to be paid for by Healthscope. I accept the minister's explanation that Mr Jackson, in terms of what he provided to the Public Works Committee yesterday, was incorrect.

Even though the minister has said that no decision has been made on this deferral, it is interesting to note that his own department has gone on to redirect the public funding that was to be used to support the private funds for those levels. The minister is saying that no final decision has been made on the deferral of the private hospital development. However, in spite of there being no decision by the minister, his own department has redirected accompanying funds. The Modbury hospital saga continues, and I am sure we have a long way to go before we reach the end of it.

I will now turn to a matter that arises out of the budget. I was very disappointed to see in the health allocation that funding for the South Australian drug strategy was restricted to $500 000 for increased funding for a clean needle program to enable the drug strategy priorities to be implemented. While not disagreeing with the need for the clean needle program, I believe the government has fallen way short of what is required in this state by way of drug treatment dollars and has totally ignored the recommendations of a select committee that worked on this matter last year. The select committee made many recommendations, but essentially, aside from scientific trials and investigations, the most important recommendation was that we needed to increase substantially resources allocated to the treatment of drug dependence to facilitate greater access to a wider range of treatment options, this being the most effective way of reducing the harms associated with heroin use. That was a very substantial recommendation, and the committee outlined

eight or nine categories of funding that were required to change this situation.

I will quote briefly from the evidence given to the committee by the Minister for Human Services on 26 March 1999. He said this to the select committee, yet his own budget ignores it:

> If I was asked what I saw as being the most crucial issue of all of heroin addiction, I would have to say that it would be having more money for rehabilitation and for social support and community support for the people who are undergoing treatment. That its absolutely crucial. Australia spends about one-tenth of what Switzerland spends per capita on rehabilitation. If you take this figure of about 5 500 addicts in South Australia and recognise that only about 2 000 of those, in broad terms, are under a significant treatment program, you realise there is a huge gap there, and it is gap of 3 500 people. Those people have no hope of recovery, because they are not even seeking treatment, and the ongoing cost to the community is very high, particularly through crime and other social problems.

When that select committee report was tabled in this House, the government made an initial response. I was hoping that its response would be followed up by a real commitment, but it has not been.

Time expired.

The Hon. R.B. SUCH (Fisher): I commend the government, in conjunction with the federal government, on being successful in having the United Nations World Environment Day celebrated in Adelaide and South Australia next Monday. One does not apologise for being an advocate of protecting the environment. We hear a lot of people talk as though the environment has been saved which is a very dangerous concept because, indeed, the environment will never be saved. It will always be under threat from those who, for one reason or another, wish to profit by short-term activity. I want to focus on a couple of issues regarding the environment. In so doing, I will highlight what I believe is the underrated significance of Arbor Day. Many of us will recall Arbor Day when we were at school. Many schools still celebrate Arbor Day, and I know in my electorate some that do. It focuses on tree planting, and I would like to see more schools and the community embrace Arbor Day as part of a total commitment towards the environment.

One issue that has concerned me greatly in recent times is the question of the hills face zone which is the backdrop to the City of Adelaide. Two judgments by Justice Trenorden that have been reported cause me great concern, the first of which is in relation to transmission towers. From the report it would appear that Justice Trenorden in the Environment, Resources and Development Court has accepted that transmission towers can go in the hills face zone. She ruled so along the lines that the message does not actually originate in those towers so, therefore, they are re-transmission towers. If that is the logic of the court, I find that rather strange. That decision, which particularly affects Marion council at present, may be appealed. I trust that it will be vigorously appealed, and I hope it will be successful.

The other issue concerns the area of Belair, where someone planted an olive plantation and, in effect, sought retrospective approval. Following a dictionary interpretation, the same judge has argued that, in effect, you can have agriculture/horticulture in the hills face zone. I do not believe that was ever the intention of the people involved in trying to protect the hills face zone. I find it rather bizarre that we could have such an interpretation of the law. If the law is deficient, something needs to be done quickly to protect the hills face zone. I was disappointed to see that Andrew Garrett has resurrected his plan to put a vineyard in the hills face zone, and I caution him and other vignerons against doing that, because they should realise that a lot of people in our community who care not only about the hills face zone but the environment also happen to be wine drinkers. I do not believe too many vignerons would like their products put on a list which is avoided by people who care about the environment. I issue the following friendly advice to Mr Garrett: do not proceed; do not antagonise the community; and do not go down the path of putting a vineyard in the hills face zone. In many parts of the hills face zone we have already had serious breaches. There are examples in the City of Mitcham where people have gone beyond what they should in terms of construction and have been allowed to get away with something that is quite inappropriate and unacceptable.

In recent times, the environment has been highlighted by some very good articles in the *Advertiser*. Whilst in some departments the *Advertiser* could improve, in recent editions it has done very well with some of its environmental features. I draw members' attention to a double page feature of Monday 29 May entitled, 'Save our trees'. The article states:

> South Australia is estimated to have lost 80 to 85 per cent of its native vegetation. Revegetating 1 per cent (or 163 300 hectares) of the state's agricultural region will take 25 years, planting at a rate of 10 million seedlings a year. Last year an estimated 3 500 hectares was revegetated with South Australian natives but, at the same time, the Native Vegetation Council approved the clearance of 236.8 hectares of native vegetation and 4 320 scattered trees in 1998-99.

There is a long way to go in terms of enhancing and improving the environment, let alone saving it. We still have a long way to go.

Time expired.

Mrs GERAGHTY (Torrens): Today I asked a question of the Deputy Premier concerning the contemptuous way in which some of our redeployees whose jobs have been either outsourced or privatised are treated. In that question, I raised the matter of how some of the TransAdelaide workers who are still employed by TransAdelaide have now been left in limbo because of redeployment. They have no job function at all. One of the great concerns about this is that, apart from their not having anything to do, the wages of these redeployees are paid incorrectly on a regular basis, allowances are not paid and, in some cases, they get only one or two days' pay. Not only is that creating financial hardship for them but it is very distressing for their families. On top of this, the redeployees have had to dispute with TransAdelaide the formula that makes up their wage maintenance payments. Added to this, electrical trades skill workers based at redeployment centres are not using their trade skills, while electrical labour hire contractors are being paid by the government to work in government departments.

An example of this is in Transport SA where labour hire contractor SOS has electrical trade skilled workers employed to work on traffic lights. There appears to be absolutely no reason why TransAdelaide redeployees could not do this work and in doing so save the state government a significant amount of money. I understand that meetings have taken place with TransAdelaide officials but no satisfactory outcome has been reached. I believe that a further meeting will be taking place to discuss these issues and I hope that these matters can be resolved and end the stressful situation that is certainly being experienced by the redeployees. Certainly the redeployees and most people aware of this situation find it absolutely appalling that the government

appears to be treating the redeployees, and not just them but their families as well, with such contempt.

I call upon the minister to correct the errors of payment and allow these skilled public sector electrical workers to undertake government work, such as on the traffic lights in the instance that I mentioned, and in other areas of government where work can be carried out by the public sector work force. This is not the only sector where the government is treating workers very badly and creating unnecessary stress and hardship for them. Many constituents have contacted me complaining about the privatisation of the lotteries commission. I have already raised that matter in the House, referring to people who have given 20 years of loyal service and who are just so concerned about their jobs.

I have also raised the issue of job insecurity concerning the government injured workers at the Hope Valley Rehabilitation Unit. These workers, who had serious injuries and mobility problems, established a tree-growing resource which supplied trees to reservoirs and catchment areas. In fact SA Water featured big glossy photographs of these trees in their annual report, but of course gave no recognition to the injured workers who grew those trees. Interestingly, the minister's department tore down the sign advertising the rehabilitation unit early last year, left it lying on the ground and renamed the resource centre the revegetation unit without talking to the employees about it. Those employees justifiably felt insulted and quite devalued and degraded.

This seems to be consistent with the government strategy of getting rid of sections of its full-time work force and divorcing itself of its social responsibility to our injured workers. The government simply closed down that resource and threw the workers onto an unemployment scrap heap. Unfortunately, many of those injured workers have suffered severe psychological distress. I believe that most now have been forced to take packages, simply to get away from the stress that was being created for them. The sad thing from the point of view of those people who were growing those trees to help stop erosion, about which our Minister for Water Resources talks continually, is that that resource—a free resource to the state—has completely gone, and those workers who were doing a very useful job and who felt useful in society have just been thrown aside.

Time expired.

Mr MEIER (Goyder): We have heard many positives about the state budget during the week, and I did not get a chance to identify everything that I wanted to identify. Today will not allow me that opportunity either, but I wanted to highlight the fact that, under this budget, more than $1 billion is being spent in rural areas of South Australia. That is $1 billion being spent on providing services and implementing initiatives, and it will significantly help our growing regional communities.

It is pleasing to be able to highlight things such as a commitment of $9.6 million for upgrading and improving education facilities in regional areas, nearly $12 million to upgrade and improve regional health facilities, over $83 million for road infrastructure, $43 million to extend emergency services communications coverage in regional areas, and $23 million for a new water supply and waste water treatment. In addition, we must not forget that there will be major benefits to farmers and regional property owners with reductions in the emergency services levy which we have highlighted in the last week and a half, with largely reduced rates for property owners and for owners of vehicles. That is all very positive news and involves initiatives that will greatly help the state.

I mentioned the $83.4 million to be invested in rural areas for roads. I made the point during my budget speech about the Port Wakefield to Kulpara road. At long last that road will be reconstructed at a cost of $4.5 million, with some $1.5 million to be spent in this coming year. It is hoped that the work will be completed by June 2002-03. I point out that I was very annoyed to hear some comments from the opposition during the budget debate indicating that projects had been identified in this budget for the second, third or maybe even fourth time. I expect that members will hear about the Port Wakefield to Kulpara road in next year's budget and the budget after that. We are making it very clear that $1.5 million is being allocated this year, but the total cost is $4.5 million, and it will take some time for the entire project to be completed. I am surprised that some members opposite have not appreciated that not all projects are completed at once.

The first stage of this project involves approximately 5.5 kilometres of road construction and the realignment of the road junction to Ardrossan. Certainly these improvements will remove, I hope, all the undulations and provide for the safe and efficient movement of all vehicles, from caravans through to grain trucks, let alone the ordinary motor car. This will be an added bonus for tourism on Yorke Peninsula and will certainly enhance the approach to the peninsula. We have an excellent road from Adelaide to Port Wakefield which has increased the safety factor enormously.

I also mentioned the education spending increases, and I am delighted that the Moonta Area School is to be redeveloped at a cost of $3.9 million, with $500 000 allocated in this year's budget. The work is scheduled to commence from January 2001. The $3.9 million project involves the redevelopment and upgrading of the school, including the rationalisation of facilities and replacement of desolate buildings. This is something which has been discussed and lobbied for over some years, and I have been very appreciative of the school's and the school community's support in bringing this project to fruition. Certainly parts of the school fall well below acceptable occupational and health standards, and spending money on bandaid upgrades would have been a waste of taxpayers' money. This redevelopment is very welcome.

In fact, this budget is a very welcome budget. As I said earlier in the week, I am very pleased to be part of this government and to see some real spending occurring in regional areas in a way we have not seen before. Mr Speaker, I draw your attention to the state of the House.

A quorum having been formed:

ESTIMATES COMMITTEES

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

That a message be sent to the Legislative Council requesting that the Treasurer (Hon. R.I. Lucas), the Attorney-General (Hon. K.T. Griffin), the Minister for Transport and Urban Planning (Hon. Diana Laidlaw) and the Minister for Disability Services (Hon. R.D. Lawson), members of the Legislative Council, be permitted to attend and give evidence before the estimates committees of the House of Assembly on the Appropriation Bill.

Motion carried.

CRIMINAL LAW CONSOLIDATION (MENTAL IMPAIRMENT) AMENDMENT BILL

Received from the Legislative Council and read a first time.

JURIES (MISCELLANEOUS) AMENDMENT BILL

Received from the Legislative Council and read a first time.

ROAD TRAFFIC (RED LIGHT CAMERA OFFENCES) AMENDMENT BILL

In committee.

(Continued from 23 May. Page 1151.)

Clause 1.

Mr ATKINSON: I notice that the government is foreshadowing an amendment that the words 'and the Road Traffic (Miscellaneous) Amendment Act' be added to the long title. I understand that this bill amends that aforementioned act because there are certain provisions of that 1998 act which were never proclaimed. Could the minister explain to the House what provisions were never proclaimed; why they were not proclaimed; and why we are now deleting them?

The Hon. DEAN BROWN: Two provisions of the act which had been passed by this parliament and which related to 'give way to buses' were not proclaimed. This parliament passed the changes but, before they were proclaimed, the national road rules were amended. It was therefore inappropriate to go ahead and proclaim something that was no longer going to be relevant and consistent with the national road rules. I think that answers the question. In other words, because matters were being changed nationally, something this parliament had introduced then became irrelevant.

Mr ATKINSON: Could the minister advise the committee how those provisions on giving way to buses have subsequently become part of South Australian law?

The Hon. DEAN BROWN: This perhaps further clarifies the position: apparently there were some draft Australian road rules which had the same 'give way to buses' provisions as we had. We introduced them into our legislation, effectively to do it earlier than otherwise would have occurred under the national road rules. The national road rules were in draft form. We put them through as an amendment to the act but then, while the national road rules were in draft form, they were amended. This meant that what we had put in was not consistent with the national road rules. They must now be withdrawn, and we are picking up the national road rules.

The ACTING CHAIRMAN (Mr Lewis): Does the nature of the inquiry expressly relate to the title of the legislation?

Mr ATKINSON: Yes, most South Australians give way to buses.

The Hon. DEAN BROWN: The answer is yes, because the Australian road rules provisions have now come into effect.

Mr ATKINSON: As part of South Australian law?

The Hon. DEAN BROWN: Yes.

Mr ATKINSON: By what enactment?

The Hon. DEAN BROWN: They came into effect on 1 December last year under subordinate legislation.

Clause passed.

Clause 2 passed.

Clause 3.

The Hon. DEAN BROWN: I move:

Page 3—

Line 17—Leave out '$2 500' and insert:
$2 000

Lines 19 to 31 and page 4, lines 1 to 7—Leave out paragraph (c) and insert:

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

(2a) The expiation fee for an alleged offence against this section where the owner of the vehicle is a body corporate and the prescribed offence in which the vehicle appears to have been involved is a red light offence is an amount equal to the sum of the amount of the expiation fee for such an alleged offence where the owner is a natural person and $300.;

(ca) by striking out from subsection (4) 'A' and substituting 'Subject to subsection (4a), a';

(cb) by inserting after subsection (4) the following subsection:

(4a) Subsection (4) does not apply where the owner of the vehicle is a body corporate and the prescribed offence in which the vehicle appears to have been involved is a red light offence.;

Page 4, lines 14 to 29—Leave out paragraph (e).

Members will recall that a number of issues were raised during the second reading debate on this bill. I suggested that we defer the debate on the bill at the end of the second reading so that the minister would have the opportunity to consider in more detail the issues raised by members from both sides of the House. The minister has in fact done that and, as a result of that and as a result of further discussions, the minister has now decided to introduce three amendments, and I would like to touch on those amendments. This clause puts those three amendments into effect.

I stress the point that the bill now before the parliament does not change the expiation fine of $199 for an individual going through a red light. So, there is no change in the expiation fine at all. Nor will the maximum fine for an individual for a camera detected offence change: it has always been $1 250 and it will stay at that amount. The figure of $1 250 is the amount set for all offences in the Road Traffic Act for which no fine is specifically provided. The bill takes this amount and specifies it as the upper limit for the fine for a red light detection offence committed by an individual.

While the bill proposed that a red light camera offence committed in a vehicle owned by a corporate body would not be expiable, the minister proposes an amendment to the bill that will enable a corporate body to expiate the offence, but the fee will be $300 more than the fee for an individual; that is, the expiation fee will be $499 for a corporate body. This will provide a corporate body with an incentive to nominate the driver, and recognises the seriousness of the offence and the importance of either nominating the driver or exercising reasonable diligence in attempting to identify the driver. In order to impose the demerit point sanction on the person responsible for running the red light, it is necessary to have the driver's name. It is also the practice in other jurisdictions to allow a corporate body to expiate the offence and to provide a higher expiation fee.

A further amendment is also necessary to ensure that a corporate body does not habitually expiate the offence to avoid the need to nominate the driver or to try to identify the driver. Such a pattern would defeat the purpose of the bill and place individuals at a relative disadvantage compared to the drivers of corporate body vehicles. This amendment will give the police a discretion not to issue an expiation notice to a corporate body but to prosecute the corporate body instead. This discretion will only apply to a corporate body where the offence is a red light camera offence. Individuals will

continue to receive an expiation notice for all camera detected offences.

The act already provides that the same notice that accompanies an expiation notice inviting the owner to name the driver or to explain why this is not possible and the steps taken to try to identify the driver must be sent with the summons. This means that a corporate body will still have an opportunity to nominate the driver or to submit an explanation about why this is not possible before a prosecution commences.

A further amendment will reduce the maximum fine for a red light camera offence committed in a vehicle owned by a corporate body from $2 500 to $2 000. It should be noted that the maximum fines are reserved for extremely serious cases or cases where the guilty party has shown contemptuous disregard for the offence. In every other instance, if a court found a person or corporate body guilty of the offence, the fine is likely to be lower than the maximum applicable. Higher maximum fines for corporate bodies are not unusual in the law—for example, in the area of the environment and consumer protection. Higher maximum fines for corporate bodies are also provided in every other state that over the past 10 years has already introduced red light camera offences and penalty regimes. So, the two-tier penalty process introduced into this legislation reflects the tried and tested practice interstate.

I am willing to answer a number of questions that were asked during the debate, if that is appropriate, although it does go a little wider, but most of it is covered under this clause. The member for Waite's question was as follows:

> My concern is in regard to the level of fine provided in the bill, namely the $2 500 in the case of the corporate entity and $1 250 in respect of an individual. Why is the penalty so heavy?

I think the member for Goyder also raised a very similar concern, and I believe that I have already answered that in my previous remarks. The member for Waite also raised the issue of the difficulty of identifying the driver of the detected vehicle. He gave an example of the small business with three or four employees which receives a notice regarding an incident that occurred six weeks before where the owner cannot remember who was driving the vehicle and is then liable for a fine of $2 500.

In answer, the minister says that, in fact, the police are much quicker than the honourable member implies. The police are generally able to serve an expiation notice within seven working days of the incident. The penalty of $2 500 is the maximum fine and the amendment—if it is passed, of course—will bring that down to $2 000. In any case, no penalty applies unless a court finds the corporate body guilty of the offence. The corporate body will always receive information that specifies the vehicle registration number and the time, date and location of the incident. It will be possible to view the photograph to see if the driver can be identified. Given this information, the business owner should have an idea of who was driving and, in any event, can ask his or her employees if they were driving. The corporate body would need to show that it has exercised reasonable diligence in trying to identify the driver. What is reasonable depends on the circumstances. It does not mean doing everything possible, but what could reasonably be required under ordinary circumstances, and with regard to expense and difficulty. The corporate body would also need to show that the vehicle was not being driven by an employee acting in the ordinary course of his duties. It would be assisted by the use of log books or some sort of record keeping. The member for Goyder asked:

> Examples have come forward where people have entered the intersection on a red light when it was completely safe to turn right or left, although technically they went through a red light. What will happen to them?

It is never safe to enter an intersection when the traffic light is red. However, a driver may enter an intersection when the lights are green, intending to make a right turn. It may be possible to complete the right turn safely only after the lights have turned red and oncoming traffic stops. In this situation, the driver would not receive an expiation notice. A red light camera takes photographs of a vehicle entering an intersection, and I stress 'entering an intersection'—passing the white line—after the signal has turned red. One second later, a second photograph is taken. Comparing the two photographs allows the police to decide if there is a legitimate offence. A motorist entering an intersection on a green or orange light would not trigger the first photograph and would not come within the red light camera system. The member for Reynell asked the following question:

> In relation to the corner of Wheatsheaf and Flaxmill and South roads, where would the red light camera be placed?

The answer from the minister is as follows:

> The proposal for new red light cameras involves 12 new cameras and the preparation of an additional 25 new sites, including the intersection of Wheatsheaf, Flaxmill and South roads. The cameras would be circulated around the different sites to provide maximum deterrent effects from the available cameras. Some of the sites named in the proposal may change, for example, as a result of an analysis of the 1999 injury crash data, which has just become available. The 25 red light camera sites previously named were selected and ranked on the basis of the high incidence of right angle and right turn injury crashes, rather than the total number of injury crashes. Right angle and right turn injury crashes are the crashes most likely to be reduced by the placement of a red light camera. An analysis of the intersection of Wheatsheaf, Flaxmill and South roads shows that the majority of the right angle and right turn injury crashes—46 per cent—involve vehicles on South Road travelling in a northerly direction colliding with vehicles travelling south making a right turn. The camera would be placed in a position to photograph the traffic travelling north.

I have been at that intersection on three occasions when accidents have occurred or have just occurred because it is on the road to Victor Harbor and to my electorate, and I think it is a fair assessment of what I have seen. It just about always involves a vehicle trying to turn right. The member also asked why the corner is worse than its neighbours and to what extent the decision on placement of the red light cameras is incorporated in an examination of other road safety features at the intersections. The minister has answered:

> In terms of traffic engineering, intersections that appear similar in their layout are different in their traffic flows and turning movements and these differences can lead to different crash histories. Transport SA recently installed a flashing 'Turn right with care' sign at the intersection of Wheatsheaf, Flaxmill and South Roads to warn right-turning vehicles. This should help reduce the number of turn-right crashes involving south bound vehicles turning right from South Road into Flaxmill Road. The effectiveness of this sign has been monitored. Once the Southern Expressway has been extended southwards, there will be much less traffic at this intersection, which is likely to lead to a reduction in the number of crashes.

That gives a clear explanation to members of the committee as to why the three amendments have been moved. It also answers the various questions that were asked by members during the second reading debate.

Mr MEIER: I thank the minister for his response. I was one of those members who had serious concerns about the legislation as it stood. I also thank the Minister for Transport for being very understanding and for looking into this issue

in greater depth in the interim. I believe that we have come up with something that is sensible and, most importantly, workable.

My key objection was that bodies corporate, if they could not find the person in their company who had gone through the red light, or no-one owned up and they did not have a record, would be subject to a fine of $2 500, not $199, which could be expiated. I felt that was grossly unfair and totally at odds with the intentions of this legislation. One radio station took a transcript of an interview with me and played it on radio the following morning and I had quite a few calls as a result. I acknowledge that the vast majority of those callers were opposed to what I was saying. They felt that a maximum penalty should be imposed on drivers who breach the law and are detected by red light cameras. Admittedly, probably only people who were interested in the debate phoned in, but I make it very clear in this parliament that I had no problem with that part of the legislation that provides for three demerit points as part of the penalty, and that is the big step forward in this issue.

However, the situation had to be sorted out further because small businesses in particular should not be penalised in a way that is harmful. I received calls from two small businesses which had been fined for a red light camera offence and, in each case, they did not believe they were guilty. In one instance, the driver, a plumber, was behind a truck and said that he had no idea that the light had changed. The truck moved off, he moved out from behind the protection of the truck and received notice of a red light offence detected by the camera. He expiated it. He happened to be driving the vehicle that is often driven by his employees. In the other case, a truck driver informed me that on two occasions he had received expiation notices for supposedly transgressing a red light, yet he believed that he had not done so.

That is history. The key thing is to make sure that those people have the chance to expiate the offence rather than go to court and be fined $2 500. The fine of $2 500 has been reduced to $2 000, so it is not quite so draconian. More importantly, as a result of the amendments, a company which has several vehicles and which cannot identify who was driving at the time of the offence can expiate it for an amount 2½ times the amount they would normally pay. In other words, instead of $199 it will now be $499. That has been accommodated by saying that it will be $300 in addition to the $199. I think that is fair and reasonable.

Members will recall that I suggested that the maximum fine should be $300. I have been involved in many discussions since then and I acknowledge that the penalty for a company must be reasonable. Although a company might want to expiate the offence without receiving three demerit points, we would not want that to become a habit, otherwise it might start running red lights, particularly if it is a very wealthy company.

That brings me to the second reason for which I thank the minister, because the legislation now provides that, if police believe that a body corporate is habitually expiating an offence at $499 to avoid the need to nominate the driver or to try to identify the driver, the police will have the discretion not to issue an expiation notice but to prosecute the body corporate instead. I agree with that because it would be wrong for companies to use that as an out. I am not trying to make life easier for people who run red lights.

One argument that has been put is that surely a body corporate should know who is driving a vehicle. Other members might want to comment on that further, particularly members who run vehicles, but from my discussions with various people it appears that in so many cases they would have no idea who is driving. They might have known on the day, perhaps even on the next day, but seven days later they would have little idea, so it was of great interest to me to receive a letter about the red light runners from Mr Gordon Howie, about whom many members would know. The point I want to highlight in Mr Howie's letter is this:

> I have recently received one issued 84 days after the issue of the original notice.

The 'one' refers to an expiation notice, which was received 84 days after the offence occurred. I challenge anyone in a body corporate to say 84 days after the event which driver was driving at a particular time. It would be very much a rarity, unless the company uses a log system and knows exactly who is driving, when and where.

I believe that the minister has overcome that problem satisfactorily and that this is much fairer. An imposition will apply, and I say to the people who telephoned my office, wrote to me and otherwise sought to abuse me for not supporting harsher penalties for red light camera offences that I have no problem with the three demerit points and in making it a serious offence, but I have every problem with discriminating against a person who works for a body corporate as opposed to an ordinary individual. This bill addresses that matter in a satisfactory manner.

The Hon. G.A. INGERSON: I have a couple of questions, and one concerns the reduction in the penalty from $2 500 to $2 000. I find it very discriminatory that small businesses, which for all sorts of reasons are now moving more to incorporate, will be placed in a position where, if the fine is not expiated and they go to court because they cannot identify the driver, the fine could be up to $2 500, whereas if the same individual was in their own vehicle the maximum fine is $1 250. I think that is discriminatory.

The offence is a very serious one, and there is no question that there ought to be a significant fine. However, when you are looking at how small business runs itself, it does not always have the same recording systems in terms of knowing who is driving the vehicles, as the major companies would have. This is a discriminatory exercise and, although I will not be opposing it, it is an issue that I think the government ought to reconsider.

Mr Clarke: Have you spoken to Diana about it?

The Hon. G.A. INGERSON: I have spoken at length to the minister about it and I have lost, but that is another issue. We should look at the way in which small business currently runs its operations—and I can given an example from personal experience. We have five or six vehicles delivering medicine around Salisbury and other areas, and we would not know who is driving the vehicles on any particular day or at any particular time. If that is picked up in the photo evidence—and obviously sometimes it can be—you can identify the driver and do something about it. However, if you cannot genuinely identify the person, I think that is an issue of discrimination.

Mr Foley interjecting:

The Hon. G.A. INGERSON: I am not questioning the offence and I am not questioning that $1 250 is not a reasonable fine, but to put another 60 per cent on top of it and increase it to $2 000 just because you are a body corporate versus an individual is quite silly. I would be happier to see the whole thing lifted to $1 500 right across the board than to discriminate in this way.

The other issue about which I was concerned is that of the discretion of the police. I hope that in the explanation of the bill it is made clearer. We are saying that that discretion would apply not necessarily at the first offence but offences thereafter; in other words, a body corporate with a track record of not doing the right thing or its drivers not doing the right thing. It is not clear that that is the case.

I think we would all be concerned if a police officer automatically applied the discretion just because they knew it involved a body corporate. That is not really the intent of the whole exercise. Will the minister explain the difference between the two? I understand it in terms of expiation, because clearly in that respect the three demerit points are linked to the individual. If you cannot identify the individual, then it is fair enough to add the fine on at the expiation level. However, to make the fine significantly higher when you go to court (which clearly is when you will have to identify the driver, or at least explain why you cannot identify the driver) does not make sense to me.

The Hon. DEAN BROWN: I think the member for Bragg was largely making a point rather than seeking information. I think I have already answered that specific point in the explanation I have given to the House from the minister as to why the corporate offence is higher than the individual offence. I highlight again to the honourable member that this is not the only area where it is done: it is done in environmental law and also in consumer law, so it is not an unusual measure.

One honourable member has raised with me the fact that he was a passenger in a vehicle that was waiting at a set of traffic lights which were stuck. After waiting at these traffic lights for a period of time, they got out and pushed the button to activate the pedestrian lights and nothing occurred. Eventually, because it was in the wee small hours of the morning, they drove through the red light and subsequently received an expiation notice.

The honourable member has asked the minister whether she might look at circumstances such as that and whether some consideration could be give to situations where there is a genuine malfunctioning of the traffic lights and where there is evidence that that is the case; otherwise, what do you do? I suppose you would turn around and drive back the other way and hope to get through at some other intersection where you do not have those problems.

I have certainly experienced it on a couple of occasions, particularly when entering from a side street: you sit at a set of traffic lights which clearly are not working for some reason. I presume the weight monitor is not registering, so people just sit there. I have seen people get out and press the lights button and eventually they have driven through—and let me assure the House that the story which I am relating is not about me. I have not received any expiation fines—

Mr Foley interjecting:

The Hon. DEAN BROWN: I think I am right in saying that I do not think I have received an expiation fine yet.

Mr Atkinson: Neither have I!

The Hon. DEAN BROWN: We will not ask other members of the House to confess one way or the other. Let me assure the honourable member that I undertake a fair bit of driving because I regularly drive to Victor Harbor and to other parts of the state in my own car. I think that answers the various questions that were asked. As I said, some of it was comment, but I will let the minister answer that subsequently.

The ACTING CHAIRMAN: The member for Hart.

Mr FOLEY: I was actually getting up to leave, but whilst I have been recognised I can say very briefly—

The ACTING CHAIRMAN: Order! The chair does not wish to detain the member for Hart. It was an honest mistake.

Mr FOLEY: No, while I am on my feet, I must say that, having had a company vehicle for some 10 or 12 years in a previous life when I worked in private industry for many years and been in and around corporations that have company fleets—

Mr Hamilton-Smith interjecting:

Mr FOLEY: No, sales representative—and a very good one at that I must confess.

An honourable member interjecting:

Mr FOLEY: Steel. Whilst I do not doubt the sincerity of the comments made by the member for Bragg, I think he missed the point. The reality is that some people in company vehicles are perhaps not as careful as they may be when they are in their private vehicle, and the corporations for which these people work must have the care of responsibility.

The Hon. G.A. Ingerson interjecting:

Mr FOLEY: Obviously, the fine has been increased because statistics show that the drivers of a large number of corporate vehicles are breaking the law, and that sort of incentive should be there. Anyway, I assume that we are supporting the amended bill, are we?

Mr Atkinson: Yes, we are.

Mr FOLEY: I just thought that I would say something.

Mr CLARKE: First of all, I would like to congratulate the member for Goyder for raising a number of questions when this bill was last before the House. Unfortunately, I was not here at the time and I read with some interest his contribution in the paper. I congratulate the minister who also at that time, rather than bulldoze, as other ministers probably would have the wont to do, saw some merit in what, heaven forbid, backbenchers have had to say in terms of criticism and was good enough to take the matter back to the original minister to get some clarification. I think that is a good way for parliament to operate.

However, in the minister's reply to some of the queries that have been made by the minister in another place, I have some concerns, in that the minister spoke of a police discretion in terms of a body corporate where that body corporate, in the police officer's view or whatever, is a serial offender. On the surface it is not taking any concrete actions to, perhaps, moderate the behaviour of its drivers in terms of their treating the law lightly. The trouble is that I do not see anywhere in this bill—and I do not know whether it appears in the principal act—any reference to that sort of discretion, in terms of the legislation, and how broad that discretion is, or any guidelines for the police concerned. I do not like giving an unfettered discretion to the police, not because I do not trust them but it can have the unfortunate consequences of being applied unequally across the board depending on the subjective views of the officer concerned.

I would like some clarification as to the extent of the discretion afforded to the police in this matter and whether there are guidelines or legislative provisions that clearly set out a basis that is applicable to everyone and not purely a subjective view by the officer concerned. In terms of the minister's answers he read out, I am not sure about the situation where a person or a body corporate believes that they are innocent of running a red light. They appeal the matter and, if that appeal is denied or struck out, they face not only the payment of the expiation notice of $199, in the case of an individual, but potentially the court could order a

substantially larger fine—in the case of an individual up to $1 250.

I am not certain whether the minister said that that type of position is not uncommon in other pieces of legislation in this state. I find that a bit odd because it seems to me that, if someone believes they are innocent, they should not be dissuaded from exercising their right of appeal. Anyone should be able to go to court to justify their innocence and, if there is an element of doubt and the magistrate rules against them, they will pick up the cost of the original fine plus the cost of going to court in any event. The risk of incurring a substantially increased penalty being awarded against them would dissuade people from exercising their right of appeal.

People would just say, 'It is all too hard. Even though I think that I am innocent it is probably easier if I just plead guilty and pay the $199.' I am somewhat confused in the sense that I thought the minister said that that is a situation that applies with respect to other statutes. I find that a bit difficult to follow. For example, I recently appeared in the Adelaide Magistrates Court with respect to a parking fine problem. I won that case, but if I had lost I would have been up for only the cost of the summons, etc. It is not like the courts—

Mr Atkinson: And a QC.

Mr CLARKE: No, I represented myself. The magistrate read my statutory declaration and said, 'You're off; do you have any words to add?' I said, 'I don't think that I can do better than that. I'll just move on, thank you, your honour.' I would not have faced the possibility of the magistrate's ruling against me and, perhaps, increasing the fine. I have another point to make but I will perhaps waive that until my second question. I have some sympathy for the points made by the member for Bragg but I will deal with that later.

The Hon. DEAN BROWN: I think that the honourable member is incorrect in inferring what I said. I do not think that I tried to imply that it applied to other areas of legislation. I did imply that in terms of environmental and consumer law as to the differential between a corporate body and an individual, but I do not think I tried to imply it in terms of what happens in a comparison between an expiation fine and the maximum fine that might be imposed on an individual if they take it to court.

I have personally some sympathy for the point raised by the honourable member. I happened to be in my car when my wife was driving. She was pulled over by a policeman and charged with an offence. The fine was $80. The policeman clearly had not read and understood the Road Traffic Act. It is very clear that his judgment was very incorrect. We took the matter to court. We won the case easily but it cost us $95 in legal fees. The final cost to us was greater than if we had accepted the fine that had been imposed by the policeman. The matter related to wearing seat belts when you happen to be 8½ months pregnant. My wife was not wearing a seat belt and the law did not require her to wear a seat belt at 8½ months pregnant.

The Hon. G.A. Ingerson interjecting:

The Hon. DEAN BROWN: It highlights the injustice raised by the honourable member: you are innocent and you know that you are innocent but often court proceedings will cost you more than the expiation fine. That is certainly an issue that has concerned me at times. Obviously, the expiation fine is less than the maximum fine imposed under the law. This encourages individuals to pay the expiation fine in instances where they know that they are probably guilty. If a person believes that they are innocent they can challenge it. I think that there is a justice, at least in that regard.

Mr WILLIAMS: This is an interesting debate. I would certainly congratulate the members for Waite and Goyder who last week brought some of these matters initially to the attention of the House. We did have some quite lengthy discussions on some of these points. I, like the member for Bragg, fail to understand why, as a community, we would choose to inflict a heavier penalty for the same crime purely because it is a body corporate. I must admit that I have never been able to understand that.

Mr Conlon interjecting:

Mr WILLIAMS: The member for Elder is out of his place but he interjects that it happens all the time. I realise that but that does not make it right. If I believe that something is wrong I will always believe that it is wrong; and that applies to the minister's explanation: because it happens in other areas of law does not make it any more right. The community recognises that we have serious problems with regard to road traffic issues, road accidents and the wanton waste of resources, in addition to the pain, suffering and loss of life as a result of road accidents.

We can, I believe, have no road accidents by shutting down the roads and removing vehicles; or we could cut accidents down to a bare minimum by imposing very draconian road rules, slowing down speed limits and resetting our traffic lights to have traffic flowing only in one direction at any particular time. We could implement a range of practices but we must draw the line. We must make a decision between how much zeal we wish to apply and producing a balance between the community benefit, or the public good, and the inconvenience to the individual.

That is where this piece of legislation is at: we are trying to reach what we see is a fair balance. With respect to a body corporate and cameras and, in this instance, red light cameras (and heaven forbid that there might be some move to implement this measure with respect to speeding fines sometime in the future), it is necessary to identify the driver so that we can apply the demerit points to the driver. One issue I have raised with the minister—and I think that it has also been raised by the member for Goyder and other members—relates to the timeliness of issuing expiation notices. I know that the minister, in his second reading explanation, said that generally the expiation notices are issued within seven days. I suggest to the minister that possibly there should be a clause in the Road Traffic Act to say that the expiation notices are valid only if they are issued within seven days. Indeed, I would question why the period would need to be seven days. I would have thought that there is no reason why expiation notices could not be issued within, say, three working days. Is that is an impossibility? It could be very difficult for an individual owner of a vehicle to remember several weeks back in order to try to identify who was driving. I am sure that we do not expect everybody in our community to carry a log in their motor vehicle to record who was driving, where and when, every time the vehicle is used. We should not impose that sort of rigour on vehicles owned by bodies corporate. It is an absolute nonsense. Our society is bogged down with red tape and paperwork as it is.

By way of an aside, last week in my travels through my electorate I heard on radio about a South Australian invention used by people in the health field. I understand the department wanted to monitor the time spent by workers providing health services to people in their homes. It also wanted to know exactly where they were and how many hours they

spent visiting each client. The client has a key, and the person providing the service has a little electronic box. When the worker sees a client, the key is put in it, and they take it out when they leave. The device records the time, along with the details of the person being visited, and I am sure that that sort of technology would be great in a vehicle, particularly for bodies corporate where there are were a dozen or so drivers. Each driver could put a card, key or whatever into the machine, and it would record exactly who was driving the vehicle, where and when.

It is totally unfair for us to expect every vehicle to become a mobile logbook, yet that is what this measure does. Why can we not insist, via the legislation, that expiation notices be sent in a timely fashion? In response to comments by the member for Hart, do statistics show that drivers of vehicles owned by bodies corporate tend to break the law more often than vehicles driven by private citizens? Is there any statistical evidence to suggest that we should be applying higher levels of fines in cases where the vehicle involved in the offence is owned by a body corporate?

The Hon. DEAN BROWN: I need to ask the Minister for Police to look at the possibility of trying to speed up the issuing of expiation notices. As I said earlier, they tried to achieve it within six or seven days, and I will pass on to the minister the comments of the honourable member. However, I would be surprised if they could do it within three working days, particularly as the mail itself may take up to two working days.

Mr Williams: Not the receiving but the issuing.

The Hon. DEAN BROWN: If they are issued and received within six or seven working days, they would be issued within five. I will certainly take up the matter with the minister to see whether that is possible. As to the number of corporate vehicles versus private vehicles detected in red light offences, I understand that the police do not have any figures on the relative numbers or proportions, so I am unable to answer that question.

Mr HAMILTON-SMITH: The minister has answered most of the questions that I foreshadowed last week during the second reading debate. However, I would like to explore one other issue with the minister. It borders on an industrial issue and how this legislation will impact on small business employers. The debate so far has been interesting. I note that the opposition was ready to let it sail through. It has only been the backbench on the government side, with its small business and farming background, that has picked up the key issues and done something about them. One of the questions the minister has answered involves a small business employer who might own anything from a small farm or a Domino's pizza business which employs multiple drivers and vehicles.

At one stage I had a business with a fleet of 10 vehicles and 120 employees. You could have buses picking up people and you might not know from one day to the other exactly which driver is driving which vehicle and when, particularly if you get the expiation notice six to eight weeks after the event. It creates some very interesting challenges for an employer. What happens when the employer is unable to determine exactly which one of his employees was driving the vehicle at the time? The easy answer would be to say that the employer should require that logs be kept and that compliance documents be maintained. The concern I still have with the legislation is that there will be a cost of compliance. Now the employer faces a much heavier fine than in the case of an individual who expiates the offence. If the employer wants to avoid a $500 expiation fee—or, indeed, a $2 000 fine if it goes to court—he must comply by being able to say who was driving that vehicle six to eight weeks previously. So, there is a cost to small business. I know that point was missed by the opposition, but it is a very sensitive issue to many of us on this side of the parliament, because we understand the practical problems for people trying to create jobs.

The minister has done an excellent job with this amendment to pick up on the concerns that have been raised by my colleagues the members for Goyder, Bragg and MacKillop, all of us having been employers and understanding what it is like to try to create jobs for people. Nearly all my concerns have been raised. As usual, the minister in the other place has listened to people and has responded well and introduced this legislation. Government members have managed to fix up this matter without much assistance from the opposition. I still seek the minister's advice on this industrial issue. An employer may be unable to determine exactly which employee was driving a vehicle six weeks previously when it was detected by a camera being driven through a red light.

If, for some reason, an employee has failed—accidentally or unintentionally—to fill out the log, or somehow the compliance documentation has failed and the employer is in this awkward position where he, she or the body corporate is faced with either a $500 expiation or going to court and paying up to $2 000, and the employer is fairly certain that he knows who it was but the documentation arrangements may not be able to completely substantiate that, where does that leave the employer in respect of any industrial arrangement that he or she has with that employee?

Would the minister's advice be that employers should have in their enterprise agreement or contract a provision whereby they should negotiate with the union some amendment to the award, or make some other arrangement so that employees, as a condition of their employment, are required to meet the compliance arrangements, sign the log, openly declare that they were driving the vehicle, admit fault and then pay the fine and attract the three demerit points; or is the minister's advice that, if the small business or body corporate involved cannot prove in writing that the employee was driving the vehicle at that time, even though they know it to have been the case but they have no documentary trail, that employer must shoulder the $500 fine? I can see some practical problems with implementing this. Although it is an outstanding amendment, I would benefit enormously from the minister's guidance on how the practicalities might work in that respect.

The Hon. DEAN BROWN: I appreciate the comments from the member for Waite. I do not think it is necessary to change the enterprise agreement because I think any company puts down a number of procedures, and it depends what procedure the company has. If the company wishes to make sure they know who is driving the vehicle, they will establish a log book which will simply say the date and the time they got into the vehicle and the time they got out of the vehicle.

Therefore, without changing any enterprise agreement, you will have a log book entered and signed by the driver of the vehicle. Many companies require that now. Certainly, it does not need a change in any industrial agreement or enterprise agreement that the employee might have; it is simply a matter of work practice and what will be adopted in that company.

I have worked in companies that have required such a procedure at any rate for other reasons as well, one being fringe benefits tax and whether or not the vehicle is being

used as a company vehicle for the person to drive home or not and, in turn, therefore whether the fringe benefits tax would apply. I do not think that is a difficult thing to achieve. I must stress again that the objective of the department is to send out the expiation notices within seven days, so the situation of the six week period should not arise at all. I covered that earlier. The aim is to have them out within six working days, so they should be received at least within the week.

Mr CLARKE: I thank the minister for the last part of his answer. Perhaps he could tell us what procedures the state government has as a body corporate regarding its employees who drive government vehicles around the state with respect to compliance matters, signing log books and the like, so that they can keep an eye as to how many may turn against a red light and, if so, the ready identification of those drivers by the state government?

While he is contemplating that question, I want to return to the issue which the minister did not answer, that is, the issue of the discretion of the police. He mentioned this when reading a reply from the Minister for Transport, but I cannot see anything in this bill about it. What is the degree of discretion as far as the police are concerned? Do they have any discretion? If so, how wide is it?

Finally, on the appeal matters, I agree that I was probably getting somewhat confused in the answers on the differences between bodies corporate and individuals. However, I still find it a bit rich that, whether it be a body corporate or an individual, if they believe they have been accused wrongly and received an expiation notice for running a red light, if they choose to challenge and go to court, and for whatever reason they are found guilty, the fine that they incur could be far greater than if they paid the expiation notice.

It seems to me that anyone who seeks to utilise their appeal rights does not do so lightly, but because they believe quite legitimately that they are innocent. They must go to the trouble of filling in a form and taking time off to go to the magistrates court. They probably may not choose to have legal representation, so perhaps they will represent themselves. However, if they are found guilty, they will have the usual court costs—not legal costs in the sense of a solicitor—as well as having to pay an expiation fee. I think it is a bit rich: it dissuades people from exercising their appeal rights because they think, 'I am 50 per cent or 60 per cent certain that I am innocent, but if I go there, I might find that the magistrate will give me a $1 250 fine instead of just paying the $199 expiation fee.'

I do not think people should be dissuaded from exercising those rights if they genuinely believe that they are innocent by the threat that perhaps the cost to them could be so much greater than if they just plead guilty and pay the $199, even though they believe that they are innocent.

The Hon. DEAN BROWN: I do not want to curtail the discussion. First, regarding the discretion of the police, there is no discretion in the bill per se on the police at all. The police have that option, but there is nothing saying that on the first offence they must send an expiation notice. That is not in the bill. I guess it is the practice that the police apply. It is practice, not a legal requirement in the bill.

As to the practice within government on log books, that is an issue for each respective government department. It varies from one department to another. I cannot therefore say what the practice would be within each government department.

Mr Clarke: What about your department?

The Hon. DEAN BROWN: I would have to ascertain that. Finally, if they take the issue to court and they are successful in defending it, then there are no court costs. You still end up with the legal costs, as occurred in the personal case I related, and that is where it hurts. I think that answers the honourable member's questions.

Amendments carried.

The Hon. DEAN BROWN (Minister for Human Services): I move:

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

Motion carried.

Mr ATKINSON: The opposition thinks that the amendment proposed by the government and now accepted by the House is sensible. The opposition is happy to support it. Indeed, without the support of the opposition, the Liberal rebels would not have succeeded in forcing the government to reconsider its position. So, I am very pleased to say that this clause is the outcome of cooperation between Her Majesty's opposition and vigilant government rebels. I would hope those rebels would not deny credit to the Labor Party for its role in ameliorating this measure.

Clause as amended passed.

New clause 4.

The Hon. DEAN BROWN: I move:

Page 4, after line 29—Insert new clause as follows:

Amendment of Road Traffic (Miscellaneous) Amendment Act 1998

4. The Road Traffic (Miscellaneous) Amendment Act 1998 is amended repealing sections 6 and 7.

New clause inserted.

Title.

The Hon. DEAN BROWN: I move:

After Road Traffic Act 1961 insert:
and the Road Traffic (Miscellaneous) Amendment Act 1998.

Amendment carried; title as amended passed.

Bill read a third time and passed.

STATUTES AMENDMENT (LOTTERIES AND RACING—GST) BILL

Adjourned debate on second reading.

(Continued from 24 May. Page 1176.)

Mr FOLEY (Hart): This bill deals with the GST as it affects the Lotteries Commission and the TAB. There are some other issues, as well, in terms of on-course totalisators and bookmakers. It is a straightforward situation in respect of the Lotteries Commission in terms of striking the effective tax rate, then reducing it by 9.09 per cent to take account of the GST—which, we understand, will be rebated from the commonwealth. That is fairly straightforward. The TAB arrangements, of course, are a little more complicated and I look forward to any queries being answered by the minister as to how the formula works.

The minister has just handed me a table that attempts to sort through that. I will confer with my colleague (the shadow minister for racing) and I am sure we can quickly get across these numbers and advise the minister whether they are acceptable numbers as far as the racing industry is concerned. Clearly, the government has agreed to revenue neutrality with the industries concerned. We take the government on good faith and it would appear that, as a result of the way in which the legislation is framed, that would in fact be the conse-

quence of this legislation's going through. The opposition will support this legislation, although we will ask a few questions in the committee stage before allowing the bill to pass.

Bill read a second time.

In committee.

Clauses 1 to 4 passed.

Clause 5.

Mr FOLEY: I will use this clause to ask some questions about the TAB. What consultation has occurred with the industry in respect of the TAB?

The Hon. M.R. BUCKBY: I am advised that all industry representatives have been spoken to and that they agree with the bill as it is put forward.

Mr FOLEY: Can the minister clarify how the effective rate for taxation for the TAB was struck at 15.09 per cent? Can he walk me through the methodology for coming to that conclusion?

The Hon. M.R. BUCKBY: The table that I have provided to the member for Hart helps to explain this aspect. The 6 per cent state tax is listed there. If the TAB is sold, the idea of this is to establish the tax rate that it would be liable to pay as a private company. This is based on net revenue, so in that illustration there is $100 million worth of net revenue, which is the post-GST model. Your costs there are $40 million. GST payable on that would amount to $9.09 million. The state tax of 6 per cent is to set that up as if it were a private company and having to pay company tax. So, if you take into account the costs that are incurred plus that 6 per cent, the payment to the South Australian racing industry then becomes 18.45 per cent to ensure that there is no loss to the industry.

Mr LEWIS: If the minister is referring to a purely statistical table in making that explanation for the benefit of the member for Hart, may I ask whether he would be so kind as to incorporate it in *Hansard*, by leave of the committee, so that we can all have the benefit of it?

The Hon. M.R. BUCKBY: The table is purely statistical, and I am happy to have it inserted in *Hansard*.

GST—South Australian TAB—Financial Impacts

	Current ($ m.)	Post-GST ($ m.)
NWR	100.0	100.0
Less: Costs	40.0	40.0
GST (9.0 per cent of NWR)	-	9.09
State tax (6 per cent of NWR)	-	6.0
SARI payment (18.45 per cent)	-	18.45
Equals		
Distributable profit	60.0	26.46
SARI (55 per cent)	33.0	14.55
Hospitals fund (45 per cent)	27.0	11.91
Total SARI	33.0	33.0
Total hospitals fund	27.0	17.91
GST	-	9.09

Mr WRIGHT: When the minister makes reference to all industry representatives being consulted in this process, can he be more specific with respect to the racing industry?

The Hon. M.R. BUCKBY: The advice was given to the representatives of the boards of the three codes: greyhound, harness and thoroughbred racing.

Mr FOLEY: Referring to this statistical table, we work on a notional figure of $100 million of net waging revenue, less the costs. GST is $9.09 million, state taxation is $6 million and the racing industry payment is $18.45 million. We then have in this model a distributable profit of $26.46 million, which we then divide under the current distribution arrangement. Is the additional payment that is referred to in the second reading speech the $18.45 million, or are additional payments to be made to the industry?

The Hon. M.R. BUCKBY: Yes, the member for Hart is correct: that $18.45 million in the example shown is the payment to the racing industry. As he can see on that table, prior to GST the racing industry received $33 million out of the $100 million example, that being the 45:55 per cent split between the TAB and the racing industry out of the distributable profit. Because under the GST less would be distributed to the racing industry, that $18.45 million ensures that they still receive that same $33 million, as shown in that example.

Mr WRIGHT: What is the TAB's opinion of this, particularly with respect to what impact this may have on the potential sale of the TAB?

The Hon. M.R. BUCKBY: I am advised that the TAB is comfortable with this arrangement because it is revenue neutral. So, it is in no worse position than it was under the old arrangement.

Clause passed.

Clause 6.

Mr FOLEY: Clearly, the table spells it out, but in terms of the arrangements post-privatisation, clearly, the minister is currently involved in negotiations for the sale of the TAB. What changes may occur following the sale in that what is distributed finally to the racing industry may well not be what we are looking at now in this model?

The Hon. M.R. BUCKBY: At the moment, negotiations are taking place regarding the sale of the TAB. It would then be a matter between the owner of the TAB and the racing industry to negotiate an amount.

Clause passed.

Clause 7.

Mr WRIGHT: Has the minister taken advice from his colleague, the Minister for Racing, in respect of the legislation currently before the House regarding corporatisation? If that bill is passed, will subsequent changes be required to this legislation?

The Hon. M.R. BUCKBY: The corporatisation bill assumes that this bill will pass through the House—so, in the drafting of that bill that is assumed—and amendments regarding the Racing Industry Development Authority are incorporated in that.

Mr WRIGHT: I noted in the bill and also in the minister's second reading speech reference to Football Park, because of the football betting, as well as, of course, to bookmakers. What consultation has taken place with those two groups?

The Hon. M.R. BUCKBY: I am advised that no consultation has taken place with the football league. As it remains revenue neutral, there is no change to it. But there has been very extensive consultation with the bookmakers, and they are very comfortable. I am advised that this is the best model to ensure that they remain unchanged, or revenue neutral.

Clause passed.

Remaining clauses (8 to 11) and title passed.

Bill read a third time and passed.

DAIRY INDUSTRY (DEREGULATION OF PRICES) AMENDMENT BILL

Returned from the Legislative Council without any amendment.

GAMING MACHINES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 May. Page 1176.)

Mr FOLEY (Hart): This bill adjusts the taxation rates for gaming machines to take into account the impact of the GST. The system is simpler than that which applies to the TAB, but clearly differences exist between the two enterprises. There are a couple of other issues that the government has taken the opportunity to amend in terms of planning law and summary offences. The initial tax adjustment is straightforward. I have consulted with the Australian Hotels Association and it advises me that it is comfortable with that arrangement. The opposition will support the bill and I will ask a couple of questions during committee.

Bill read a second time.

In committee.

Clause 1 passed.

Clause 2.

Mr FOLEY: I note that the minister has with him officers from the Liquor Licensing Commission. Given the impact of the GST on state revenues, will the minister advise the committee how many applications for gaming machine licences are currently awaiting the approval of the Liquor Licensing Commissioner?

The Hon. M.R. BUCKBY: I am advised that approximately 23 applications are before the Liquor Licensing Commissioner. About six of those were made prior to the introduction of the bill that seeks to impose a freeze on the number of gaming machines, and the rest have followed since its introduction.

Mr FOLEY: Given that 17 applications have been lodged since the introduction of the legislation, will the minister comment on whether that is an abnormal number of applications?

The Hon. M.R. BUCKBY: I am advised that it is an abnormal number.

Mr FOLEY: The minister has indicated that 17 applications have been made since the legislation was tabled in this parliament. Is the Liquor Licensing Commissioner able to say whether we have reached a plateau in gaming machine numbers, assuming that no such legislation was before parliament? Are we reaching a plateau or do the indicators suggest that further growth is expected?

The Hon. M.R. BUCKBY: I am advised that, when the Hon. Nick Xenophon introduced a bill in another place last year, it was thought by the industry that a level of about 12 500 machines would be the plateau that the industry would reach in this state. Since the introduction of the legislation that attempts to cap the number of machines, the industry has taken off again, and it is believed that the number will go above the 12 500 machines. The introduction of this new legislation appears to have stimulated further growth in applications.

Clause passed.

Clause 3.

Mr FOLEY: Both the speculation and the reality of legislation in this parliament has seen further growth in applications. Can the Liquor Licensing Commissioner put a figure on the number of machine licences that the industry may be encouraged to put before the commission?

The Hon. M.R. BUCKBY: I am advised that it is a little hard to put a figure on that, apart from saying that, although it appeared to plateau, there has been growth through the 17 further applications that have been made since the introduction of that legislation.

Mr FOLEY: How many hotels as a percentage have poker machines or applications for licences out of the total number of hotels in our state?

The Hon. M.R. BUCKBY: I will take that question on notice and provide the information for the member for Hart. I do not have that information with me today.

Clause passed.

Remaining clauses (4 and 5) and title passed.

Bill read a third time and passed.

ESTIMATES COMMITTEES

The Legislative Council intimated that it had given leave to the Treasurer (Hon. R.I. Lucas), the Attorney-General (Hon. K.T. Griffin), the Minister for Transport and Urban Planning (Hon. Diana Laidlaw) and the Minister for Disability Services (Hon. R.D. Lawson) to attend and give evidence before the Estimates Committees of the House of Assembly on the Appropriate Bill, if they think fit.

RENMARK IRRIGATION TRUST (RATING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 May. Page 1180.)

Mr HILL (Kaurna): After long and detailed consideration of the bill, the opposition is pleased to support it. The bill will bring the Renmark Irrigation Trust into line with the other irrigation trusts in South Australia and, indeed, the rest of Australia. It will allow the charging of an access charge as well as a volumetric charge for the use of water. Currently, irrigators are charged according to the amount of land they have, and the volume that they use is irrelevant. That is an unsustainable practice and it encourages overuse of the resource. So, to charge for the volume of water used, as well as the land that it is used on, makes a great deal of sense and is compatible with modern thinking in terms of environmental protection and COAG principles. I am happy to offer support to the government on this bill and I indicate I have only two or three questions which I would like to ask in committee.

Mr LEWIS (Hammond): I support the proposition and have argued long and hard in this chamber, in the lobbies and elsewhere for the supply of water by volume, not by area of land. I urge the minister, with the greatest possible haste to introduce the same concepts in every other domain in which he has responsibility. Whether it is water from underground or water from a river, it is crazy to continue to allow people to believe that it is their right to have access to irrigation water simply because they want to grow a given area of crop without regard to the quantity they use. It means that we place no value on it, yet it is a scarce resource by definition which is an economist's definition and which now it has become understood to be the definition we all should give to water—a scarce commodity—and the more respect we have for it, the greater will be the prosperity we can generate from it and the fewer will be the problems that arise in consequence of its use.

The Hon. M.K. BRINDAL (Minister for Water Resources): I acknowledge the contribution of the member for Hammond and say in answer to his request that, as a

matter of fact and as a matter of policy, I agree with the proposition that he put and it is the intention of the government, as speedily as possible, to move exactly in the direction that he has argued and I know that, at least generally speaking, without putting words into the shadow minister's mouth, from discussions we have had I think that is the way of thinking of the opposition as well. It is a sensible and very practical way to go because past practices, as the member for Hammond would acknowledge, have not been conducive either to the best use of the resource or to spreading the resource as efficiently as it might be spread.

Members of the opposition constantly confound me: we go from question time where they appear to have one attitude to bills such as this where they appear to be quite wise. I therefore thank the opposition for its cooperation in this matter—

Mr Clarke interjecting:

The Hon. M.K. BRINDAL: No, it is not.

Mr Clarke interjecting:

The DEPUTY SPEAKER: Order!

The Hon. M.K. BRINDAL: I know that the member for Ross Smith wishes to heap praise on my brilliance and all other things, but I must admit, in this case, it is the commonsense of the shadow minister. I must say that on most issues when my colleague the minister and I approach him on an environmental or a water matter, the opposition is generally prepared to consider that proposition on its merits, to weigh up the matter and generally to come up with a constructive and helpful solution not for the government but for the environment or for the resource. I am quite sure that we will not always agree, but the point is this: what we can at least acknowledge is that, while we will disagree, there will be a disagreement on a matter of principle, not on a matter of politics. I thank the opposition and the member for Hammond for their contributions.

Bill read a second time.

In committee.

Clauses 1 to 5 passed.

Clause 6.

Mr HILL: I refer to clause 6 which deals with rates. Section 91(1) provides:

> The trust may, with approval of the minister, impose a water supply rate or rates in respect of rateable land to recover the actual or anticipated costs of supplying water under this act.

That theme with respect to actual costs flows through the issue of rates. Is it possible for a cost or a charge greater than the actual cost of supplying to be applied so that some consideration can be taken of the market value of the resource or the environmental consequences of using too much of it?

The Hon. M.K. BRINDAL: The answer to the shadow minister's question is in two parts. The minister must approve the rate and the test of the mechanism for approval is reasonableness. This mechanism establishes a charging regime whereby the charge must be equated to reasonableness in the provision of a supply. So, it is a sort of supply charge. If the purport of the shadow minister's question was a value on water, mechanisms are already in place through the catchment management board, which exists in the river region, to place a levy on water. That is, in effect, independent of this bill. This bill simply is a delivery mechanism.

I have heard the remarks of the shadow minister and the member for Hammond, and I agree with both members that water must have a value. If it is to be valued as a resource it must first have a value. The idea of changing to volumetric so that water has a value as a marketable commodity is one step in that direction. The ability then to charge for water is another policy aspect which will give it additional value, but that is achievable. A mechanism is already in place but it is not a mechanism under this act.

Mr HILL: I thank the minister for his answer. My next question relates to section 94, 'Special Rate'. Could the minister explain or provide me with an example of when a special rate might be levied and indicate what kind of combination of circumstances would be created to do that?

The Hon. M.K. BRINDAL: I am informed that the only reason within this act for applying a special rate would be for a purpose such as to repay a loan or to raise an abnormal amount of money. Most of the loans under this act would involve the Treasurer, so it would be a repayment of a loan into general account; and for that purpose the trust might, for some good reason, want to speed up its repayment and abolish its debt. It would then do so by the mechanism of a special rate but that, I am told, is about the only reason why a special rate would be applied under this act.

Again, the shadow minister will know that under the Water Resources Act there is an ability for the minister, or the parliament and the government, to apply a special levy through the catchment water management boards to perhaps carry out a particular capital work, or something like that, but that is again a different mechanism.

Mr HILL: My final question relates to section 96A, 'Record of rates payable and to be paid'. I found it rather quaint to read that the trust must keep a record in the assessment book of the amounts. Is that not somewhat archaic given the IT focus of government these days? Surely, it should relate to a computer record rather than an assessment book.

The Hon. M.K. BRINDAL: Yes, I take the honourable member's point. I will ensure that between the houses we look at that and any other matters. All acts should be conducive to electronic recording and reporting. I will check with the legal people as to whether an assessment book means a book, and I suspect that it does. I thank the shadow minister and I assure him that we will make those and any other amendments to bring this act a little more up to date. It is quite easy, when redrafting acts (because they are often modelled on old acts), to miss a point such as that, but I thank the shadow minister for raising that point because I know that all members in this House are anxious to get a body of law that is conducive to the 21st and not the 19th century.

Mr LEWIS: I refer to rates and water trading that might now be possible in consequence of decisions that may be made under this legislation to determine the amount that can be used by volume rather than a given area or crop type. First, I presume that all diversions from this point forward will be metered; and, secondly, will it therefore be regarded as a secure diversion for the purposes of trading; and, in consequence, what proportion of the total amount of water currently allocated to the Renmark Irrigation Trust will the legislation or, indeed, government policy—because I do not think this legislation says anything about this or I would not be asking the question—allow to be traded to irrigators who may potentially operate outside the Renmark Irrigation Trust area?

I want to make two quick observations about those three questions. As I said in my second reading speech, the first is that the rate and real cost of water is a reflection of the value of what can be produced by using that water. Clearly, just because some people did some things yesterday is no reason for them to believe that they can continue to do them

tomorrow. They may wish to, but the greatest benefit to all of us, including those very people, might arise from allowing a free market to determine where such scarce resources, as water is, will be applied and the profit—indeed, the gross state product—that can be generated from each megalitre derived from it.

This would necessarily mean that the people at Renmark—in my judgment, quite properly—would consider whether Renmark is the right place for them to be applying the water that they have been allocated. They might just jolly well make more money from its use and their labours and other capital resources by transferring them to some other part of the Murray Valley.

All of us know—you especially, Mr Chairman—that if we increase the volume of water running down the riverine valley to the Lower Murray, the greater the volume and the greater will be the salt dilution. Therefore, the greater the volume we stop using upstream the less will be the quantity of salt which is leached from the soil to travel downstream with it, as a general principle. So, if it is more productive, profitable and beneficial for the water to be transferred out of any irrigation area to another place to be used, will the Minister, through his policy, allow that to occur where there are no disadvantages to the environment in consequence and where there are improvements in the gross state product?

The Hon. M.K. BRINDAL: In answer to the honourable member's first question regarding whether they will be metered, the answer is yes. In answer to the honourable member's second question, once each property owner's entitlement is worked out, that will be a secure volume, in so far as in a natural resource management regime any volume can be secure. The member for Hammond would be the first to understand that, if the river were to run dry, there would be no secure volume. What God does not give, the state cannot give away. Therefore, it is secure but secure in so far as the resource is secure.

As to the third proposition, which the member for Hammond and this parliament will need to consider, with all of us together, over many months and in a great deal of depth, he raises some very profound philosophical points. I hesitate to give him a complete answer because frankly at this stage in the debate I cannot. I cannot answer all those questions because as a committee and as individuals we have to work through some of those propositions.

I accepted what the honourable member says as compelling logic. However, I say to them this: we need greater flows to dilute the salt or, alternatively, we need to take some of the salt out of the system. If we can remove enough salt from the system—and the honourable member would know this—we will not need the additional flows that we currently need because the salt is increasing.

So, the proposition has two faces to it: one is to increase the dilution flow so that the salt is not as harmful as it slows down the system. At the same time, the other alternative is to take some of the salt out of system so that it never enters the stream; therefore, the need for dilution is not as great.

As the member for Hammond would know, given that he is on the select committee looking at the matter, much of the evidence suggests that the modelling in both directions is extremely complex because, if you change one, you change the other, and if you change both you have a third consequence. I am not trying to avoid what the member for Hammond is asking in his final question—far from it. I am trying to say that I cannot really answer that question, because I do not yet posses all the knowledge. Given his work and that of other members in this House also on the select committee, the work of my department and the work we have to do with the community, I hope that by September or October of this year we can debate this matter in this House in a much more informed way and with much more completely formed opinions than we currently have on the subject, save that I know the member for Hammond is a few years ahead of us because he has been studying this matter a little longer than most of us.

Mrs MAYWALD: I will make sure my comments are brief. Before I ask my question, I wanted to explain that I did not contribute to the second reading debate as I was actually accompanying a delegation to the Minister for the Environment and Natural Resources from my electorate. The Renmark Irrigation Trust has consulted broadly within their community in relation to this amendment bill, and I see it as an opportunity for the Renmark Irrigation Trust to move forward with the other irrigation trusts into better management of the resource. It will provide them with flexibility within the trust area. I have had absolutely no representations from constituents in the area who are opposed to what the Renmark Irrigation Trust is proposing with this amendment bill through the minister.

My question follows the member for Hammond's question on tradability. I understand that in other trust areas tradability is sometimes determined by the policy of the trust itself within the membership of the trust. I understand that the Central Irrigation Trust has a policy of water tradability within the trust area but it needs to be put to the trust members to actually transfer water outside the trust area. Is that the case, or is there another provision where tradability would be opened up as a result of this amendment?

The Hon. M.K. BRINDAL: First, it was unfortunate that the member was otherwise engaged, because I do acknowledge the member for Chaffey's vital interest in this and any matter that affects the river. While it affects everyone in this House, it is actually central to her electorate.

In answering her question, I point out that all members of this House should appreciate the very positive role she has been playing in constructive promulgation of this debate in her community. It would be easy on such an important issue to play populist politics and just go in each case for where she thinks the best campaign donations or the most votes come from.

Mr Conlon interjecting:

The CHAIRMAN: Order!

The Hon. M.K. BRINDAL: I must acknowledge that the member for Chaffey does not pursue that course. I cannot understand why the member for Elder is so obsessed with my vision.

Members interjecting:

The CHAIRMAN: Would the minister care to return to the bill?

The Hon. M.K. BRINDAL: Yes, I will. The question asked by the member for Chaffey is a very important one. It is subject to a review of basically all our irrigation acts in terms of competition policy. I believe, although this is yet to be determined, that some of those practices will have to be overturned. You are actually almost creating a closed shop if you say to an irrigator—and the member for Hammond raised the same sort of issue—that you have a water entitlement, a volumetric entitlement, and you can trade with anyone you like, provided it is someone in your neighbourhood. For instance, I know that there is already trading between Murray Irrigation Limited and our own state.

To actually have people who own water rights within our state locked into an area where we expect the rest of the upstream and downstream users to trade freely, I do not think will be something that stands up to scrutiny under competition policy. That is the direction I would expect that this and all other bills will take—open tradability and free competition, so as the member for Hammond, the member for Chaffey and other members of the House said, water can actually get its maximum economic and environmental value at the same time.

Clause passed.

Remaining clauses (7 to 10) and title passed.

Bill read a third time and passed.

ROAD TRAFFIC (RED LIGHT CAMERA OFFENCES) AMENDMENT BILL

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

GAS (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 May. Page 1182.)

Ms HURLEY (Deputy Leader of the Opposition): This bill deals with several issues, probably the most important and certainly the most urgent of which is to deal with the issue of small businesses becoming contestable for the purposes of gas sales on 1 July 2000. There was expected to be competition in the market at that time but, due to delays, that competition is not materialising. The minister therefore wishes to be able to set a maximum rate so that these contestable customers, small businesses with gas utilisation under 10 terajoules, will not be subject to a private monopoly which may increase prices dramatically. I do not expect that the private monopoly Origin Energy would indulge in that behaviour, but I believe it is sensible for the minister to be able to have in legislation that ability to control the price.

This issue of contestability and the bringing in of small businesses as a contestable customer does raise a number of issues about the timetables for contestability. For example, there is a different time for the contestability of gas and electricity which creates some interesting problems when consumers, ordinary householders, are involved. Households will become contestable for gas on 1 July 2001, but they will not become contestable for electricity until 18 months later. This creates some problems for gas suppliers, because suppliers of electricity will be able to go to householders and offer to supply them with gas but, because electricity does not become contestable until some time later, gas companies will not be able to respond by writing to or approaching householders and offering to supply them with electricity. Gas companies feel that this may give them an unfair disadvantage in the market.

I have been advised that another problem with the contestability timetable is the possibility of cherry picking customers. As members know, gas prices are the same across the state and the metropolitan area regardless of the actual cost of the delivery of gas. Gas companies are concerned that, when contestability is operational and there is a competitor in the market, those competitors will be able to selectively choose customers where the cost of supply of gas is cheaper, and the existing monopoly supplier will be left with customers where the cost of providing them with gas is higher.

I highlight these issues as important issues for the government. The government is addressing this issue—and I congratulate the minister for that—but several other issues need to be addressed as we arrive at these contestability time lines. Other important provisions deal with gas shortfalls. This bill gives the minister powers of direction and increases penalties, etc. It also allows the quality of gas to be changed from 2 per cent carbon dioxide to 3 per cent, which the minister says will not affect the large majority of customers but will provide a greater quantity of gas when there is a shortfall.

Instead of an excise type formula (a retail licence fee), there is a provision to replace that retail licence fee to meet the costs of administration of the Gas Act and the Gas Pipelines Access (South Australia) Act 1997. Although the opposition has not had long to consider these bills and consult because of the shortness of time following its introduction, it does not, at this stage, see any difficulties with its provisions. The opposition supports the bill.

The Hon. W.A. MATTHEW (Minister for Minerals and Energy): I move:

That the sitting of the House be extended beyond 6 p.m.

Motion carried.

The Hon. W.A. MATTHEW (Minister for Minerals and Energy): I thank the Deputy Leader of the Opposition for her support. I appreciate that the amount of notice that was given to the opposition in relation to the debate was short. I am pleased to put on the record the government's appreciation for the cooperation of the opposition to allow this debate to come forward and proceed swiftly. The deputy has made some important points relating to a number of issues that need to be dealt with as we encounter contestability. She is quite correct: a number of issues need to be addressed. The government, like the opposition, very much appreciates the need to address these issues and looks forward to doing so.

Bill read a second time.

In committee.

Clauses 1 and 2 passed.

Clause 3.

Ms HURLEY: Clause 3 refers to an annual licence fee to be fixed by the minister, the intervals to be fixed by the technical regulator. I wonder what involvement the technical regulator has with the fixing of the fee and why it is not the technical regulator who fixes the fee and the interval to be paid rather than the minister.

The Hon. W.A. MATTHEW: It is customary that the minister set the level of fee, and that is common across a whole range of legislation. The technical regulator obviously has some clearly defined functions. Fees of such nature are customarily fixed on a quarterly basis and it is effectively an administrative arrangement to determine exactly within which instalments that fee payment may be. The important thing is that the amount of the fee is set by the minister, which is a fairly common practice.

Mr LEWIS: Over the time I have been here, since 1979, there has been an increasing tendency, to the point where it has now become a rush, to do everything by subordinate legislation. I know that that makes it easy to abolish state parliaments in due course and leave the responsibility to executive government or the people to whom executive government has the power to delegate, but it is a trend in the

wrong direction because it means that changes to the fee cannot be debated. Ultimately a change would be possible only if it were to be fixed by regulation. Then it can be debated only as to whether or not there ought be a change, but not the extent of that change.

We do not have the power in the parliament to determine whether or not it is reasonable and what would be reasonable if this is not, whatever 'this' may be. That is why I think for those twin reasons that it is bad for legislators to delegate their authority in this manner where the public interest is clearly in question as to what it ought to be and where understanding of why the decision is taken is an important element in determining that balance between the competing interests of the seller's desires and the buyer's costs. In this case the seller is the minister's agency and the minister's agency fixes the price to suit whatever the minister's agency believes is a fair whack.

In addition, in the second matter, there is our inability to engage in meaningful debate about that as elected representatives. We are simply, by doing this every time, taking another step in the direction of dispensing with the need for a parliament, and that is bad. Parliament ought to be considering these questions. It ought not to be left undebated and without even the capacity to debate it by delegating it to someone somewhere else where there is no open discussion prior to the decision being taken of the need for the decision and the extent of it.

The Hon. W.A. MATTHEW: I do not believe the member for Hammond would be looking for a lengthy response from me, nor, indeed, a change. He has consistently expressed concern about this method of legislating and consistently reinforces that concern. While the views that both the member for Hammond and I hold in relation to the future of the states and other matters may be somewhat different, they are certainly at one in relation to any desire to ensure that the executive arm of government does not gain an inappropriate amount of power.

Where our views are at divergence in relation to this matter is that I personally see no difficulty in legislating in this way. I believe that, by providing parliament with the power to set up a mechanism for a fee charge and the checking mechanism that is available to the parliament through its committee processes and through its power to disallow regulation, it does provide the opportunity for scrutiny. But, having said that, I realise the argument can be somewhat circular and that the honourable member could retort again with his own viewpoint. I hear what he says. He is, as always, consistent in his approach, but I do not believe that this legislation does cause the dilemma that he expresses in relation to providing the executive arm of government with inappropriate powers.

Clause passed.

Clause 4.

Ms HURLEY: As I said, I have no problem with putting this cap on gas pricing. However, I am a little concerned about the way in which it ceases, that is, 'the Governor may by proclamation fix a day on which this section expires'. I am wondering why it is open ended in that way and not at a fixed time. I would have thought that July 2001, when householders become contestable customers, might be a reasonable time to end that. So, if there are difficulties with the contestability timetable, it would undoubtedly affect the householders as well and that would be the time to come back to the legislation if, in fact, it needs to go beyond the sunset period.

The Hon. W.A. MATTHEW: The deputy leader makes the point that it is a transitional clause. In view of the changes in relation to contestability, I am not comfortable with prescribing a date in view of the fact that any date could be changed. This avoids having to come back to parliament to make changes to a date, if we so inserted one, but provides the government with the power to ensure the section expires when we do have a contestable market.

The deputy leader could, if she wished, put a date in the future that was a safe date by which it must expire. It seems to be an appropriate mechanism to proclaim the expiration date when that date is set firmly in place. There are a number of other ways in which that could be done. We chose this method. If the deputy leader has a strong objection to it, we will willingly accept an amendment for a more appropriate mechanism, if she believes that is appropriate. I would have thought that this does suffice and that it avoids unnecessarily occupying the time of the parliament on a minor level of detail.

Mr LEWIS: I will not go through the machinations of asking the minister questions in a facetious manner. I will simply state the case and then put the question. In many instances the present large consumers of energy products, whether they be gas or electricity, find themselves in a position where they can get better prices by bargaining with prospective suppliers. They can get better prices for what they know will be their base requirements, and they can add on incrementally higher costs per unit for each incremental increase in the percentage of what they currently use if that was referred to as 100 per cent. At the very high end of the market, they may choose to cut back on some energy at some time, finding it cheaper perhaps to close down a factory on a very hot day, for instance, rather than use the electricity required to aircondition the premises. A point would be reached where it was cheaper to let the workers go home, depending on the industry.

I am looking at the gas pricing that is referred to in here for the large consumers. As time goes by, it will be increasingly evident that prices based on the current price will incrementally rise for householders and smaller consumers, and they will have no ability to negotiate lower prices such as the big end of town will be able to do for the bulk quantities they are buying.

My question to the minister is, why groups of consumers cannot get together or why, on behalf of a group of consumers, a broker cannot get those consumers together, buy in bulk and accept the responsibility for billing and collection of the money from each of the consumers, offering incentives, fly-buy points and things like that—not that that is a necessary part of the scheme: it is not.

My point in asking that question is that it would enable consumers to keep in touch and force real competition into the market without their being denied that. The real fact is that those at the big end of town, using bulk quantities of energy—gas included—each has more than one meter. So, it is not a problem of how many meters there are: it is merely a problem of who can most efficiently manage the process of reading the meters and sending out the bills. If someone thinks they can do it more efficiently than the current companies which are doing it, I say they should be allowed to enter the market in competition, bulk up the amount that their consumers buy, buy that themselves and on-sell it at a margin that covers their costs and make a profit in the process.

The final explanation relevant to my proposition in this respect, which is a philosophical point that I raise under this section, is simply that we will otherwise be denying ourselves the benefits that come. I am fed up with hearing in corporate boxes the people who speak on behalf of the marketers of energy at the retail end of the market (where bulk consuming is happening on the one hand and small consumption by a large number of small consumers on the other) saying, 'Oh, hell; it doesn't reflect the real cost of our servicing each of the customers, anyway, and they ought to be grateful that we are continuing to keep the costs down as low as we are.' That is because they still have a monopoly and a monopoly mentality. I therefore ask the minister why we must stick with these 10 terajoules. Why can we not allow bulking up and cooperation between consumers and/or other commercial arrangements to enter the market?

The Hon. W.A. MATTHEW: Contestability for the domestic market starts from 1 July 2001. The aggregation of gas involving groups of consumers in the way he suggests will be possible, but not until after the market becomes contestable, which at this stage is set for 1 July 2001. The honourable member would also be aware that a number of players are seeking to enter the market, and it is certainly entirely possible, if not likely, that we will find companies entering the marketplace that will be selling both electricity and gas together, so we may indeed have the potential to aggregate purchases of both those products.

As the member has pointed out, there is very much a changing market and a market in which, while the big end of town (as he terms it) can be advantaged through competition so, indeed, can the small household consumer through aggregation of purchase or, indeed, through the competition provided by a greater number of players in the marketplace. To my frustration (and I know that of the member for Hammond), there is at the moment only a single supplier of gas, and that means that the contestability that results in lower prices is not yet with us. I look forward to that competition being in the marketplace beyond 1 July 2001.

Clause passed.

Clause 5.

Ms HURLEY: Clause 5(2) refers to the quality of gas and the minister may, under direction, make some rulings with regard to that. I presume that this is where the 2 per cent of carbon dioxide can become 3 per cent where there is a shortfall. Are there customers in the market who require a maximum of 2 per cent carbon dioxide in, for example, their manufacturing processes that will be substantially disadvantaged by this if 3 per cent carbon dioxide comes through the system? I note that the advice from the minister is that then the company would not be civilly liable for any action because of that direction. Therefore, it seems to me that some company that requires a quality of 2 per cent carbon dioxide would have no redress or compensation under this section.

The Hon. W.A. MATTHEW: The standard already in existence in South Australia is a standard of up to 3 per cent, but we have been supplying it at 2 per cent carbon. There are already some areas of the South Australian marketplace that do accept gas at 3 per cent. It is sold at 3 per cent in New South Wales and, indeed, it is sold at 4 per cent within Western Australia. As the deputy leader would expect, when this was first put to me as a solution to be able to ensure the security and continuity of gas supply, I questioned officers and representatives of the industry at length and was reassured that there was no risk to plant, equipment, industry or domestic householders by going from 2 per cent to 3 per cent. I am satisfied with those assurances, subject to the appropriate legislative mechanisms being in place. However, I accept the point. They are questions that I have raised and, like the deputy leader, I can but receive the assurances of the industry. However, I am more reassured by those assurances in looking at Western Australia, where gas is used at a 4 per cent carbon level, and New South Wales, where it is used at a 3 per cent level.

Clause passed.

Clause 6 passed.

Clause 7.

Ms HURLEY: I have not yet had an opportunity to speak to the people who might be most affected by this clause, which relates to gas installations and penalties if the installations are not complied with. Certainly, I very much support regulation of gas installation and appropriate penalties if it is not carried out properly. Obviously, it can be very dangerous, apart from anything else. Has the minister consulted with the people most likely to be affected, who I presume are the plumbers, and that would therefore be the plumbers section of the CEPU?

The Hon. W.A. MATTHEW: Origin Energy obviously has been a point of consultation, because that organisation employs a large number of gasfitters. There has also been consultation with the Gas Plumbers and Fitters Advisory Committee, whose members include industry representative personnel and trade union representatives, to ensure that all viewpoints have been appropriately received, and the legislation has been well circularised to those groups.

Clause passed.

Clause 8, schedule and title passed.

Bill read a third time and passed.

ADJOURNMENT

At 6.20 p.m. the House adjourned until Tuesday 27 June at 2 p.m.